

**THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-18420-2020 (O&M)

Date of decision: 30.07.2020

Babbu Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Karan Sharma, AAG, Haryana.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for regular bail has been filed by petitioner Babbu Singh son of Gurtej Singh, aged about 30 years, an accused in FIR No.103 dated 05.04.2020, for offences under Sections 188, 307, 323, 34 IPC and Section 25 of Arms Act, registered with Police Station Dabwali Sadar, District Sirsa.

Briefly stated facts of the case as per prosecution version are that, criminal machinery in this case was set into motion by complainant Gurvinder Singh son of Chhinder Singh, resident of Haibuana, aged 21 years, who in his statement made to the police stated that he is a labourer by avocation and as per instructions of Haryana Government and as directed by Balwinder Singh Sarpanch,

thikri pehra was ordered to be performed by the residents of the village in connection with prevention of Corona disease; on 04.04.2020 at about 9.15 PM, when the complainant along with Kaku Singh, Nishan Singh, Lavpreet Singh and Janan Singh of his village was on such duty near wall of Government school situated on Haibuana to Mangeana road, in the meanwhile, two vehicles were spotted coming from the side of Village Haibuana towards them; they signaled the vehicles to stop. The driver of the vehicle, namely Babbi son of Mandar Singh, coming ahead stopped the vehicle and enquired as to why the vehicles had been stopped, to which the complainant and the persons present with him replied that it was to prevent spread of Corona disease. In the meanwhile, the driver of the other vehicle alighted there from who was Babbu Singh son of Gurtej Singh resident of their village (present petitioner); Babbi Singh and Babbu Singh started arguing with the complainant and his companions and assaulted them. Babbu Singh exhorted Babbi Singh to open fire upon the complainant and his companions; hearing that Babbi Singh fired a shot from his pistol at complainant with an intention to kill him; the complainant ducked and was saved; meanwhile Babbi Singh fired three more shots and sped his vehicle towards Village Mangeana; in the meanwhile, companions of complainant caught hold of Babbu Singh and his I-10 Grand vehicle bearing registration No.HR26-CD-4888 was also seized. After recording of formal FIR, the matter had been investigated; accused was arrested in this case. After completion of investigation and other

formalities, challan against the accused has been filed in the Court.

The petitioner had moved a petition for regular bail before the Court of Sessions at Sirsa, however, his such petition was dismissed by Addl. Sessions Judge, Sirsa, vide order dated 11.06.2020. Therefore, he has knocked at the door of this Court, craving for grant of similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the parties besides going through the record.

The petitioner is in custody since 05.04.2020. As per prosecution story, the shots had been fired by his co-accused Babbi Singh, though statedly on a 'lalkara' being raised by the petitioner, fortunately neither the complainant nor any of his companion had received any fire arm injury in the incident. No overt act is attributed to the petitioner; though, the challan has been filed but the conclusion of trial is likely to take considerable time, more particularly, on account of Corona Pandemic. Keeping in view the totality of circumstances, I find it a fit case to grant benefit of regular bail to the petitioner. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/CJM/Duty Magistrate, Sirsa, subject to the following conditions:-

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses; and

(iii)he shall not leave India without prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard.

If he violates any of the above conditions, this order granting regular bail to him shall be liable to be withdrawn.

30.07.2020
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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No