

CRM-M-18573-2020 (O&M)

Date of decision: 28.07.2020

Kulwant Singh

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. S.S. Salar, Advocate
for the petitioner.**FATEH DEEP SINGH, J.(ORAL)**

Due to the outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

Notice of motion to official respondent-State.

Mr. B.S. Virk, DAG, Haryana puts in appearance and accepts notice on behalf of the official respondent-State. Copy of paper book be supplied during the course of the day.

The petitioner-Kulwant Singh has come up in this third regular bail application under Section 439 Cr.P.C. in a case bearing FIR No.14 dated 09.01.2016 under Sections 148, 149, 302, 323 and 341 of the Indian Penal Code registered Police Station Safidon District Jind. The earlier two bail applications having been declined by this Court vide orders dated 10.12.2018 and 04.02.2020.

The present case was got registered on the statement of

complainant-Jaswant Singh. The premise of the allegations are that the complainant side was contesting for the post of Sarpanch in regard to which they were canvassing about in the area when the opposition in that elections comprising of Navdeep Singh, Jodhbir Singh, Kulbir Singh, Mohar Singh, Gurbaj Singh, Major Singh, Hoshiar Singh, Bhupinder Singh, Janpal Singh, Amritpal Singh, Balwinder Singh, Gurbaj Singh s/o Najar Singh, Ranjit Singh, Sahab Singh, Beant Singh, Hardeep Singh, Jodha Singh and Kulwant Singh, the present petitioner, accosted them after blocking the passage of the complainant side. It is during the course of this melee, it is alleged that accused-Navdeep Singh raised *lalkara* on this basis exhorted accused-Jodhbir Singh who has given a vallam (spear) blow on the chest of Azad Singh, who fell on the ground and, thereafter, died. Further, allegations are against Navdeep Singh of having given *gandasa* blow on the person of complainant on the left ear while Amritpal Singh gave blow hitting on the right arm of the Karamjit Singh and Kulbir Singh gave blow on the chest of Gurjar Singh. On hearing commotion, the accused ran away. The allegations against petitioner is that it was on the basis of his disclosure statement the weapon, vallam was got recovered.

Learned counsel for the petitioner *inter alia* submits that principal accused-Jodhbir Singh and other accused, Navdeep Singh etc. have been allowed regular bail by this Court and that the petitioner is behind the bars for more than four years and the trial is

not likely to be concluded in the near future due to COVID-19 pandemic.

The learned State counsel on behalf of the State has strongly opposed the bail on the grounds of heinousness of the offences and the fact that the recovery has been made of the alleged weapon at the behest of the accused and if allowed bail, there is every likelihood that the petitioner might influence the trial.

Going through the submissions without feeling the necessity to advert on to the merits, the petitioner as per the own stand of the State, is behind the bars for more than four years. The trial is not proceeding on account of the pandemic COVID-19 situation and it would likely to prolong because of ever growing pandemic of this virus and without adverting further, in view of this peculiar situation, the Court deems it a fit case to allow the petitioner regular bail. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned. The petition stands disposed off accordingly.

28.07.2020

Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether Reportable

:

Yes/No