

213.

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

CRM-M-18837-2020

Date of Decision: August 04, 2020.

ARJUN SINGH

..... PETITIONER (s)

Versus

STATE OF PUNJAB

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. VaibhavNarang, Advocate for the petitioner.

Ms. Bhavna Gupta, Asstt. D.A.G., Punjab.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

The petitioner prays for grant of bail pending trial in FIR No.123, dated 04.08.2018 under Sections 307, 323, 324, 148, 149 IPC and Section 25, 27 of Arms Act (Section 302 IPC added subsequently), registered at Police Station Islamabad, District Police Commissionerate Amritsar.

Learned counsel for the petitioner submits that the petitioner, who is in custody since 25.10.2018, has been falsely implicated in the above mentioned FIR, which was registered on the

statement of Dharminder Singh @ Hello. As per the allegations in the FIR, the complainant alongwith his friends Ranjit Kumar @ Golu and Gaurav Sharma was present at the fair of Guga Peer held in their village on 04.10.2018 at about 2:40 P.M. The accused Sagar armed with Dattar, Vicky Dagga, Arjan, Kaka @ Pepsi all armed with Kirpans, accused Mani and Atul armed with a baseball bats, Toni armed with Dattar and 6-7 unknown persons who were having a double barrel gun as well as a person carrying a pistol suddenly came to the spot and encircled them. Vicky Dagga exhorted all of them, upon which the assailants attacked them with their respective weapons. There was a scuffle. One Sikh person fired a shot in the air with his double barrel gun and thereafter shot towards the complainant and his friends. Pellet injuries were received by them. Sagar inflicted a Dattar blow on the complainant's head. The accused, thereafter, fled from the spot causing injuries. Ranjit Kumar @ Golu died on 07.08.2018, due to the gunshot injuries. Gaurav Sharma and Dharminder @ Hello suffered pellet injuries. Gaurav Sharma also suffered an injury on his left hand, due to the Dattar blow inflicted by Sagar. The present petitioner, it is submitted, is not attributed with any injury to any of the injured persons or the deceased. It is further submitted that the petitioner is not involved in any other criminal case. It is, thus, prayed that this petition be allowed.

It is not disputed that no overt act is attributed to the present petitioner. Though, it is alleged that the petitioner was part of the unlawful assembly, learned counsel for the State is unable to deny that the petitioner is not attributed with any injury, either to the deceased, the complainant or the injured witness. It is further informed that none of the prosecution witnesses have been examined till date though the final report under Section 173 Cr.P.C. stands presented against the petitioner on 17.12.2018 and the charge also stands framed.

Learned counsel for the State on instructions from ASI Jagbir Singh, verifies that the petitioner has been in custody since 25.10.2018 and is not involved in any other criminal case.

Trial is not likely to conclude in the near future as there are approximately 49 witnesses, to be examined. There is no allegation that the petitioner is likely to abscond or influence witnesses. No useful purpose would be served by keeping the petitioner incarcerated any longer.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court/Duty Magistrate.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the

case. The same are solely confined for the purpose of decision of the present petition.

04.08.2020

Sunil

**(LISA GILL)
JUDGE**

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No