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

CRM-M-19340-2020(O&M)

Date of decision : 21.08.2020

Lucky @ Jaswinder Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Kapil Khanna, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.52 dated 23.04.2018 under Sections 323, 341, 506, 148, 149 of the Indian Penal Code, 1860 (Sections 307, 326, 325 IPC were added later on) registered at Police Station Goraya, Jalandhar (Punjab).

Learned counsel for the petitioner has contended that the petitioner had surrendered on 18.02.2020 and has been in custody since then. He has further contended that the petitioner was declared as proclaimed offender by the Trial Court on 05.11.2018 as he was unaware of the present FIR. Counsel for the petitioner would further contend that the petitioner has falsely been implicated in the present case and that the other co-accused had already been acquitted by the Trial Court. Learned

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counsel for the petitioner would further contend that no injury has been attributed to the petitioner and the only role attributed to the petitioner in the FIR is that he had stopped the way of the complainant by parking his motorcycle in front of the complainant. Learned counsel for the petitioner would also contend that the conclusion of the trial is likely to take some time as the Courts are not functioning at their full strength due to the Covid-19 pandemic and, therefore, the petitioner be released on bail.

Mr. Randhir Singh Thind, DAG, Punjab, on instructions from ASI Om Parkash, is not in a position to deny that the co-accused to whom simple injuries were attributed has been granted bail by this Court vide order dated 29.07.2020 in CRM-M-18259-2020.

I have heard learned counsel for the parties.

No injury has been attributed to the petitioner in the present case and in fact this Court in CRM-M-18259-2020 vide order dated 29.07.2020 has granted the bail to the co-accused who is similarly situated as the present petitioner.

In view of the above and without commenting on the merits of the case and considering the facts that the petitioner has been in custody since 18.02.2020 and the conclusion of the trial would take some time as the Courts are not working at their full strength due to the Covid-19 pandemic, I deem this to be a fit case for grant of regular bail to the petitioner. The petitioner shall be released on bail on furnishing bail and surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

However, it is made clear that nothing observed herein shall be construed as an expression of opinion on the merits of the case. It would, however, be open for the prosecution to apply for cancellation of bail in case the petitioner is found misusing the concession of bail.

The present petition stands disposed off accordingly.

21.08.2020
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO