

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

CRM-M-20721 of 2020

DATE OF DECISION : 08.10.2020

Ashu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. R. P. Dhir, Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

The petitioner is seeking regular bail in case FIR No.130 dated 29.11.2019 under Section 302/34 IPC registered at Police Station Mehtiana, District Hoshiarpur.

2. Per FIR, on 05.11.2019, petitioner along with co-accused inflicted grievous injuries to Gurdial Singh, who later on succumbed to those injuries.

3. Learned counsel for the petitioner contends that there is unexplained delay in lodging the FIR, as the alleged occurrence took place on 05.11.2019 whereas FIR has been registered on 29.11.2019. He further submits that no specific injury has been attributed to the petitioner. It is further contended that co-accused Lakhwinder Singh @ Billa has already been granted the concession of regular bail by this court and the petitioner seeks parity on the same grounds.

4. Learned counsel further submits that petitioner is in custody since 30.11.2019. Investigation is already complete and challan has been presented. There is no headway in the trial due to pandemic caused by Covid-19.

5. On a query of the Court, learned State counsel does not controvert that investigation is complete. Challan has already been filed. The trial has not commenced due to pandemic as the Courts are only taking urgent matters and regular trials/recording of evidence is held up. He also does not controvert that co-accused, who was assigned specific role in causing alleged injuries, has been granted the concession of regular bail vide CRM-M-15304 of 2020 by a co-ordinate Bench of this Court. It is also not uncontroverted that in the present case, petitioner has not been assigned any specific role.

6. Apart from other reasons, as noted above, I am of the view that the petitioner is entitled to grant of regular bail on the ground of parity as well. Since investigation is over and challan has been presented, no useful purpose would be served by keeping the petitioner behind the bars. The petitioner is in custody since 30.11.2019. The trial is not likely to commence anytime soon due to current pandemic conditions.

7. In the premise, the instant petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate as the case may be.

OCTOBER 08, 2020
shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No