

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21376-2020 (O&M)

Date of Decision : 13.08.2020

Paramjit Singh @ Banti

...Petitioner

Versus

State of Punjab

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr.Vivek Salathia, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.

2. Prayer in the petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.0044 dated 23.03.2019 registered under Sections 307, 148, 149 IPC, 1860 and Sections 25, 27, 54, 59 of the Arms Act, 1959, at Police Station Mehta, District Amritsar (Rural).

3. Learned counsel contends that the gun shot injury on the head of the victim Jugraj Singh is attributed to co-accused Manpreet Singh, whereas the only allegation against the petitioner is that he and one Dilbagh Singh @ Jora fired from their pistols on Jugraj Singh, whereupon the car of Jugraj Singh went into the fields on account of Jugraj Singh losing control over the same.

4. Learned counsel further contends that said Dilbagh Singh @

38339 of 2019 on the statement of learned State Counsel that he had been found innocent in an enquiry by the Superintendent of Police, Amritsar Rural as per his investigation report dated 28.05.2019 and that challan had been filed on 10.06.2019.

5. Learned counsel contends that in the circumstances, especially of challan having been presented and the trial not progressing on account of prevailing Corona Virus Pandemic, no useful purpose would be served by keeping the petitioner in custody any further, especially in view of the petitioner being in custody since 18.10.2019.

6. Learned DAG, Punjab, on the other hand, contended that the petitioner had fired on Jugraj Singh along with another co-accused namely Dilbagh Singh @ Jora, therefore, he is not entitled to be released on bail.

7. I have considered the submissions of learned counsel for the parties.

8. Admittedly, the gun shot injury on the head of Jugraj Singh is attributed to Manpreet Singh, while only allegation against the petitioner and co-accused Dilbagh Singh @ Jora is of their having fired pistol shot on Jugraj Singh, whereupon Jugraj Singh lost control of the car and the car fell into the fields. Co-accused Dilbagh Singh @ Jora has already been granted bail on the stand of the prosecution of his having been found innocent in the investigation report submitted by the police. Since the allegation with regard to injury on Jugraj Singh is not attributed to the petitioner but to Manpreet Singh, beside challan has been filed and the petitioner is in custody since 18.10.2019 and the trial of the case is not progressing

useful purpose would be served by keeping the petitioner behind bars. Accordingly, the application for regular bail is allowed. Petitioner is ordered to be released on regular bail provided he is not required in any other case and subject to his furnishing his bail bonds/surety to the satisfaction of the concerned learned trial Court/Ilqa Magistrate.

9. However, nothing stated hereinabove would be construed as an expression of opinion on the merits of the case.

(B.S. Walia)
Judge

August 13, 2020
'Rajneesh-Amit'