

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-22439 of 2020
Date of decision:08.10.2020

Harpreet Singh @ Veetu

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Shrey Goel, Advocate, for the petitioner.

Mr. V.G.Jauhar, Sr. Deputy Advocate General, Punjab

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

The petitioner is seeking regular bail in FIR No.47 dated 11.05.2020 under Sections 307 and 34 of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959 registered at Police Station Daba, Ludhiana.

Counsel for the petitioner has argued that petitioner has been falsely framed as he has neither been named nor any role has been attributed to him in the FIR. According to the counsel, an altercation took place between the complainant and Sunil Kumar and the allegation is that on the instigation of his wife, Sunil Kumar took out gun and fired a shot at the

complainant which hit him on his right hip. Counsel submits that the petitioner is in the custody since May, 2020 and deserves to be enlarged on bail as the trial is not progressing due to outbreak of the virus.

Per contra, State counsel upon instructions from ASI Mool Raj has submitted that the petitioner was arrested on the basis of the disclosure statement of Sunil Kumar and an *iron dah* was recovered from him. The petitioner is alleged to be driving the motorcycle and Sunil Kumar was on the pillion. Custody certificate dated 08.10.2020 filed by the State, is taken on record. As per instructions of the State counsel, challan was presented on 05.08.2020 and the charges are yet to be framed. He further contends that the petitioner is involved in other cases and he does not deserve the concession of bail.

I have considered the submission of the counsel for the parties.

Considering the nature of the allegations, gravity of the offence and the fact that the trial is not likely to progress due to the spread of the contagion, no purpose would be served by keeping the petitioner behind the bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

It is, however, made clear that in case the petitioner is found indulging in any criminal activity henceforth, it will be open for the State to seek cancellation of the bail granted to him.

(SUVIR SEHGAL)
JUDGE

October 08, 2020
savita

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No