

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

CRM-M-22357 of 2020(O&M)

Date of Decision: 18.08.2020

Amandeep Singh @ Amna
Versus

Petitioner.

Sate of Punjab

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. A.A.Pathak, Addl.AG., Punjab.

LISA GILL, J.

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

Petitioner, seeks the concession of bail pending trial in FIR No.5, dated 05.01.2020, under Sections 307, 353, 186, 332, 224, 225, 427, 148, 149 IPC, registered at Police Station Sultanpur Lodhi, District Kapurthala.

It is submitted that the petitioner has been falsely implicated in the abovesaid FIR. The petitioner, was not even named in this FIR and neither is there any mention of the presence of unknown persons at the time of the alleged occurrence. Learned counsel for the petitioner has referred to the observation of the Coordinate Bench in order dated 01.06.2020 in CRM-M-13377 of 2020 (Annexure P-3), wherein, the concession of anticipatory bail to some of the accused named in the FIR has been afforded. It is pointed out that on a specific query of the Court, learned counsel for the State in the abovesaid matter had fairly conceded that there was nothing tangible to reflect the authorization, which the police had to raid the premises in a case pertaining to November 2019. It is vehemently argued that the petitioner was falsely implicated in a matter under the

NDPS Act, on 07.01.2020 and thereafter, involved in the present case on the statement of HC Faqir Singh. The petitioner, it is contended is being victimized as he stands falsely involved in matters under the NDPS Act. It is further contended that the version given in the FIR is highly improbable. Insofar as the injuries suffered by ASI Mangal Singh and HC Lakhwinder Singh are concerned, the MLR talks of stitched wounds, whereas it is reflected in the MLR's that the injured had not been examined earlier. It is further contended that it is beyond imagination as to why the police personnel would have travelled about 50 kms away from the place of occurrence to a private hospital, namely, Johal Multi Speciality Hospital, Hoshiarpur Road, Rama Mandi, Jalandhar, for medical treatment, bypassing all the civil hospitals on the way, including that at Jalandhar. Learned counsel further contends that there is no medical evidence on record to indicate that the injuries suffered by Faqir Singh attract the rigours of Section 326 or 307 IPC. The petitioner, it is submitted, is in custody in this case since 10.01.2020. Challan in this case stands presented. Moreover, the co-accused, who have been duly named in the FIR, have been afforded the concession of anticipatory bail on 01.06.2020 in CRM-M-13377 of 2020 (Annexure P-3) and 29.07.2020 in CRM-M-12288 of 2020 and other connected matters (Annexure P-2). It is thus prayed that this petition be allowed.

Learned counsel for the respondent-State, submits that even though the petitioner has not been named in the FIR, the petitioner is attributed with a specific injury on the person of HC Faqir Singh. It is however, not denied that the MLR relied upon by the prosecution has been rendered by a private doctor and there is no explanation on record, at this stage, as to why the civil hospitals were bye-passed by the police officials. It is further not denied that there is no medical

opinion subsequent to the said MLR by any medical expert or any board of doctors. It is verified by learned counsel for the respondent-State, on instructions from ASI Santokh Singh, Police Station Sultanpur Lodhi, that the petitioner has been in custody since 10.01.2020. Final report under Section 173 Cr.P.C., stands presented. Due to the outbreak of the pandemic-COVID-19, not much progress is being made in the trial.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in Court, if released on bail. No useful purpose would be served by keeping the petitioner incarcerated any longer in the facts and circumstances of this case.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition filed by petitioner-Amandeep Singh @ Amna, 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.

18.08.2020
s.khan

[LISA GILL]
Judge

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