

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

Criminal Misc.-M-24102-2020

Date of Decision: August 31, 2020

Balwinder Singh @ Kala

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amandeep Singh Rai, Advocate,
for the petitioner.

Mr. P.S.Walia, AAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.76 dated 07.04.2018, under Sections 302, 212, 216, 148 and 149 IPC, registered at Police Station, Meharban, Police Commissionerate Ludhiana. The petitioner is in custody since his arrest on 05.05.2018.

The above FIR was registered against the accused persons on the statement of complainant Mohinder Singh, wherein he has mainly claimed that on 06.04.2018, when he and his son Prabhkirpal Singh and nephews Amritpal Singh and Manmohan Singh were present in the house, the accused persons armed with sticks came to his house and started abusing. At about 6.30/7.00 p.m., when complainant's nephew Amritpal Singh came out of the house to persuade the accused, they all attacked him and started beatings to him. On hearing hue and cry, the complainant and his son Prabhkirpal Singh and nephew Manmohan Singh came out and tried

to rescue Amritpal Singh from the clutches of the accused. The assailants also attacked the complainant and other family members. Complainant, his son and nephew received injuries in the occurrence. They were taken to hospital, but Amritpal Singh died during treatment.”

Learned counsel for the petitioner contends that vide order date 05.8.2020, co-accused Kuldeep Singh @ Ranga was released on regular bail. According to him, the case of the petitioner is at par with him as he petitioner allegedly caused a simple injury on the face of the victim with a dang blow. It is pointed out by him that the material witnesses have been examined by the prosecution, but they have not supported the prosecution case. According to him, further custody of the petitioner may not be necessary as the trial is likely to consume considerable time. He prays for grant of bail, during the pendency of the trial

On the other hand, learned State counsel assisted by ASI Harjit Singh has opposed the prayer on the ground that the petitioner is specifically named in the FIR, who participated in the crime. According to him, the petitioner was armed with a dang and had caused injury on the face of the victim. However, it is not disputed by him that the said injury (abrasion) was declared as simple in nature. He, on instructions, states that out of total nineteen prosecution witnesses, four have been examined so far including complainant-Mohinder Singh (PW-3) and the father of the deceased Pritam Singh (PW-4).

Considering the above background, custody of the petitioner and the fact that the trial is likely to consume considerable time to conclude as the country continues to be in the throes of global pandemic, namely, COVID-19 and the State Government and District Administration have also

imposed various restrictions to curb its spread, this Court does not find any reason to decline the prayer. The petitioner after his arrest on 05.05.2018, is presently confined in judicial custody, therefore, his further detention behind the bars may not be justified.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Ludhiana.

The petition is allowed.

August 31, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No