

CRM-M-22804-2020

Date of decision : August 19, 2020

Balwinder Masih

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Gobind Singh Randhawa, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

LISA GILL, J.

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

The petitioner prays for bail pending trial in FIR No. 148 dated 30.11.2019 under Sections 324, 323, 341 IPC (Section 307 and 326 IPC added later) registered at Police Station Dhariwal, District Gurdaspur.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the above mentioned FIR. Moreover, the injuries attributed to the petitioner do not attract rigours of section 307 IPC. The petitioner is alleged to have inflicted a kirpan blow on the left eyebrow of the complainant's father and a blunt kirpan blow on the left side of the abdomen of the complainant's father. Both the injuries are stated to be simple in nature. Furthermore, the petitioner, it is submitted, was injured in the incident in which the complainant side is stated to be the aggressor. Learned counsel refers to a copy of the MLR pertaining to the injuries received by the petitioner, attached as Annexure P4. It is pointed out that said MLR was duly collected by the police authorities as is reflected in the FIR (Annexure P1), but police authorities did not take any action thereon. The petitioner, it is submitted, is not involved in any other criminal case and is in

custody since 09.03.2020. It is, thus, prayed that this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the State is unable to deny that the petitioner is not attributed with any injury attracting the rigours of Section 307 IPC. MLR (Annexure P4) is a matter of record. Learned Counsel for the State, on instructions from ASI Sarwan Singh verifies that the petitioner is not involved in any other criminal case.

Due to outbreak of the pandemic, COVID-19, not much progress is being made towards the conclusion of the trial. There are no allegations on behalf of the State that petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the learned trial Court, if released on bail. No useful purpose shall be served by keeping the petitioner incarcerated any longer.

Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition.

Consequently, 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/concerned Duty Magistrate.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

August 19, 2020
rts

(Lisa Gill)
Judge

Whether speaking/reasoned :

Yes/No