

CRM-M-48616-2018

Date of decision: 29.07.2020

Jagsir Singh @ Jagga

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Naveen Sharma, Advocate
for the petitioner.Mr. Amit Mehta, Senior DAG, Punjab
for the respondent-State.**FATEH DEEP SINGH, J.(ORAL)**

Due to the outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

The petitioner-Jagsir Singh @ Jagga has come up in this first regular bail application under Section 439 Cr.P.C. in a case bearing FIR No.10 dated 16.01.2018 under Sections 307, 148, 149 of the Indian Penal Code and Section 25 of the Arms Act, 1959 (challan presented under Sections 307/34 of IPC and Section 25 of the Arms Act) registered Police Station Canal Colony, District Bathinda.

The allegations in this case has come about on the statement of Manjeet Singh-complainant and eye witness of the occurrence. It is alleged that on 16.01.2018 at around 07:30 PM,

while the complainant was sitting in a shop and his friend Kuldeep Singh Mann (injured) had come and at around 08:45 PM, five boys came to the shop and started abusing Kuldeep Singh Mann and when the latter tried to restrain them, it is alleged that present petitioner-Jagsir Singh @ Jagga, fired a shot hitting on the chest of Kuldeep Singh Mann and as a consequence of the same, due to commotion and seeing people, the accused ran away.

Learned counsel for the petitioner *inter alia* contends that petitioner is behind the bars since 17.01.2018 and has undergone more than 02 years and 06 months of incarceration and that the injured is not testifying in spite of repeated adjournments.

The learned State counsel has strongly opposed the bail on the grounds that the trial is underway and there is every likelihood that if allowed bail, the petitioner might stifle the trial, but admitted, the injured has since long been discharged from the hospital.

The petitioner has undergone more than 02 years and 06 months of detention and the trial is yet at the initial stage on account of COVID-19 pandemic and there is every likelihood that it would be further protracted.

Going through the submissions and in view of the substantial incarceration undergone, this Court deems it a fit case to allow the present petition without feeling the necessity to advert on to the merits. However, the petitioner will give an undertaking that he would not influence the witnesses and the trial and in case, he does

so, the State would be at liberty to move an application for cancellation of his bail. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands disposed off accordingly.

29.07.2020

Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No