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

CRM-M No. 23644 of 2020
Date of Decision: 28.08.2020

Jaspreet Singh @ Channa

-Petitioner

Versus

State of Punjab

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ajay Pal Singh Rehan, Advocate,
for the petitioner.

Mr. R.P. Singh, D.A.G., Punjab.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C. in case bearing FIR No.15 dated 08.02.2017 registered under Sections 452, 324, 148, 149 IPC (Sections 302 and 326 IPC added subsequently) at Police Station Model Town Hoshiarpur, District Gurdaspur.

Complainant Harwinder Rana alleged that he is brother of the deceased. Complainant is running a tea stall outside the Bus Stand, Hoshiarpur. His elder brother namely Vinod Rana was also running a Confectionary shop near the

shop of the complainant. On 07.02.2017, at about 8.30/9.00 PM, the complainant was present at his shop. Paramjeet Singh @ Pamma armed with Khanda came there along with some unidentified persons who were also armed with kirpan, datar and khanda. Paramjeet Singh @ Pamma inflicted a khanda blow on the head of the complainant and the complainant fell down. Paramjeet Singh @ Pamma again inflicted Khanda blow which landed on the middle part of the leg of the complainant. On seeing this, brother of the complainant namely Vinod Rana came to rescue the complainant. Paramjeet Singh @ Pamma gave a khanda blow on the head of Vinod Rana. Unidentified persons also caused injuries with sharp edged weapons upon the complainant on different parts of the body. On raising alarm, the assailants left the place along with their weapons. Vinod Rana ultimately succumbed to the injuries. The doctor found two injuries with sharp edged weapons on the person of Vinod Rana.

Learned counsel for the petitioner submitted that earlier to 08.02.2019, petitioner was declared as Proclaimed Offender, but he was arrested on 08.02.2019 and since then, he is in custody.

Challan has been presented on 09.04.2019. Charges have been framed on 05.10.2019.

Petitioner has not attributed any injury to the deceased. The complainant gave supplementary statement on 08.02.2017 and the petitioner was named on the basis of that supplementary statement. The complainant has not supported the case of the prosecution and has become hostile.

According to learned counsel for the petitioner, cross-examination of the complainant has not yielded any incriminating material against the petitioner. PW2 namely Narinder Kumar has also not supported the case of the prosecution. Other eye-witnesses namely Ranjit Singh, Neeraj and Rakesh Kumar have been given up on the basis of statement made by Public Prosecutor before the trial Court as they were not supporting the case of the prosecution.

Per contra, learned State counsel submits that earlier to the arrest of the petitioner, 12 prosecution witnesses out of 25 prosecution witnesses have been examined. Now, due to the situation arising out of COVID-19 pandemic, the trial has come to halt.

Co-accused namely Shiv Kumar @ Sunny and Jatinder Pal @ Kukku have already been granted regular bail in CRM-M No.55899 of 2019 and CRM-M No.21424 of 2019 vide orders dated 20.03.2019 and 16.05.2019 respectively.

Co-accused Rajwant Singh @ Raja has also been

granted regular bail by this Court in CRM-M No.20020 of 2020 vide order dated 19.08.2019.

Petitioner is involved in other cases also.

As per the custody certificate, petitioner is not shown to be on bail in FIR No.188 dated 08.11.2018 under Sections 302, 307, 323, 148, 149 IPC and under Section 25/54/59 of Arms Act, Police Station Dinanagar, District Gurdaspur.

Learned counsel for the petitioner refers to order dated 10.07.2020 passed in CRM-M No.16262 of 2020, granting bail to the petitioner in that case.

Taking into consideration the aforesaid facts and circumstances of the case and keeping in view the situation arising out of COVID-19 pandemic and without meaning anything on the merits of the case, petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

August 28, 2020

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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