

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24633-2020

DATE OF DECISION: SEPTEMBER 17, 2020

GURPREET SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. SHIV CHARAN BHOLA, ADVOCATE
FOR THE PETITIONER.

MR. SIDAKMEET SINGH, AAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner Gurpreet Singh has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.77 dated 17.7.2019 under Section 323, 341, 506, 148, 149 IPC (Section 307, 326 and 201 IPC added later on), PS City Morinda, District Roop Nagar. The petitioner is in custody since his arrest on 10.1.2020.

The allegations contained in the FIR as noticed by the Sessions Judge, Rup Nagar in his order dated 23.4.2020, are as under:-

“FIR in the instant case has been registered on the statement of Narinder Singh complainant/victim and he has recorded that on 15.7.2019, he was going on the motor cycle of Simranjit Singh and was sitting on the pillion seat. At about, 8/8.30 PM, when they reached near T point village Mankheri, their motor cycle was stopped by Jugraj Singh, Gurtej Singh, Kuldeep Singh, Sonu, Darshanpreet Singh alias Golu, Navjot Singh Gaggi, Beet Singh, Gurpreet Dhanoa the present

accused/applicant along with other 5/7 boys and those were holding Kirpans, Iron rods, Baseball bat etc. in their hands. Jugraj Singh raised Lalkara that the complainant will not be spared today and he has given a blow of Kirpan which hit on the back side of his head and second blow also hit on his head. Gurtej Singh also gave a blow on him with sharp edged weapon which hit on his and second blow was given on his left arm. Kuldeep Singh also gave a blow with sharp edged weapon, on him, which hit on his left leg and he fell down on the spot and while he was lying down on the spot, all other accused have given numerous blows with their sharp edged weapons and he fell unconscious. When Simranjit Singh raised Alarm, all the above referred accused ran away from the spot with their respective weapons.”

Learned counsel for the petitioner contends that in the alleged occurrence, the injuries suffered by the victim were caused by the co-accused, namely, Jugraj Singh and Gurtej Singh. According to him, though the petitioner was named in the FIR alongwith others, but only general accusation have been made that they also participated in the crime. According to him, the final report under Section 173 Cr.P.C. stands filed, therefore, the further custody of the petitioner is not necessary as the trial is not making any progress. He prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned counsel for the State assisted by ASI Sohan Singh has opposed the aforesaid prayer on the ground that the petitioner was specifically named and was present at the place of occurrence. He submits that iron bar was recovered from him. However, it

is not disputed that the investigation of the case is complete and the prosecution is yet to examine its witnesses.

After hearing the learned counsel for the parties this Court is of the opinion that the investigation of the case is complete, but trial of the case is likely to consume considerable time in the wake of outbreak of global pandemic, namely, COVID-19 in the region as certain restrictions have been imposed by State Government and District Administration in order to curb its spread, therefore, further custody of the petitioner may not be justified. The petitioner is presently confined in judicial custody and is not required for any useful purpose.

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

The petition is allowed.

September 17, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No