

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

215- CRM-M-24801-2020 (O&M)

Date of Decision: 03.09.2020

Dharam Singh

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. SS Sarwara, Advocate for the petitioner

Mr. Sukhbir Singh, AAG Punjab

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of lockdown due to outbreak of COVID-19 pandemic.

The petitioner Dharam Singh who is stated to be aged 54 years has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.16 dated 18.02.2020 under Sections 341/323/34 IPC (Sections 302/307/506 IPC added later on) registered at PS Chhajli, District Sangrur.

Learned counsel submits that the incident is stated to be of 17.02.2020 at 7.00 pm. The initial contents of the FIR only goes on to say that two Hindu gentlemen alighted from the car and started assaulting the brother of the complainant. He submits that initially the injured as per the allegations was taken to Sunam Hospital and then to Sangrur hospital at 9.00 pm. It is further submitted that the present FIR has been registered on 18.02.2020 at 3.00 pm when the complainant towards the concluding portion of the FIR says that “*now I have come to know that persons who assaulted my brother were Dharam Singh and Rakesh Kumar*”. On this learned counsel submits that the allegations *prima facie* appear to be concocted and not trustworthy.

Learned counsel submits that initially the FIR was registered under

Thereafter at a later stage, Section 307 IPC was added and on 09.03.2020 after the death of the deceased, Section 302 IPC was also added. Thereafter on 21.02.2019, the petitioner was arrested.

Learned State counsel, on instructions from ASI Gurmeet Singh submits that the challan was presented on 04.05.2020. There are a total of 31 witnesses but none have been examined.

Counsel for the petitioner then submits that due to COVID situation retention of the petitioner in jail is dangerous to his life and otherwise also the trial is likely to take some time.

In view of the peculiar facts as noticed above, considering the existing situation due to COVID-19 and the fact that trial is likely to take some time, this Court deems it appropriate to direct the release of the petitioner on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the Duty Magistrate/trial court concerned.

In view of the peculiar circumstances as noticed above, in addition to bail bonds/additional surety which the trial court may further require the petitioner to furnish as it deems appropriate, the petitioner is directed to deposit Rs.1 lakh within one month from the date of release with the Duty Magistrate/trial Court which shall be handed over to the family of the deceased towards medical expenses that the family had incurred. The same shall be without prejudice to the defence of the petitioner before the trial Court.

However, it is made clear that anything observed herein shall not be construed to be an expression on merits of the case.

Disposed of.

03.09.2020

vishal shonkar

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

(Girish Agnihotri)
Judge

Yes/No
Yes/No