

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M-25738-2020 (O&M)

Date of decision: 08.10.2020

Gursewak Singh @ Sewak

.....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr.Parminder Singh-I, Advocate, for the petitioner.
Ms. Rashmi Attri, AAG, Punjab.

GIRISH AGNIHOTRI, J. (Oral)

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

CRM No.23208 of 2020

Present application has been filed by the applicant/petitioner *inter alia* with a prayer to place on record the statement of Kuldeep Kumar as Annexure P-6 and copy of order dated 31.08.2020 passed by this Court in CRM-M-25674 of 2019 as Annexure P-7.

For the reasons mentioned in the application, the same is allowed.

Statement of Kuldeep Kumar as Annexure P-6 and copy of order dated 31.08.2020 in CRM-M-25674 of 2019 as Annexure P-7, are taken on record.

Disposed of.

Main case

Petitioner-Gursewak Singh @ Sewak, stated to be aged 32 years, has filed the present petition *inter alia* praying for grant of regular bail in case

FIR No.136 dated 08.06.2017, under Sections 302, 364, 341, 506, 186, 120-B, 148, 149 of IPC, registered at Police Station Talwandi Sabo, District Bathinda.

Learned counsel for the petitioner based on pleadings, submits that the petitioner has a good prima facie case on merits. It is submitted that the perusal of the statement of complainant-Kuldeep Kumar, recorded on 18.11.2019, would show that there are two persons of the same name i.e. the present petitioner-Gursewak Singh son of Hakam Singh, whereas there is another person person, namely, Gursewak Singh son of Amar Singh, named in the statement. In the said statement, the allegation against the second Gursewak Singh s/o Amar Singh, is that he allegedly kicked the brother of the complainant. It is submitted that the only allegation against the petitioner is that he had allegedly accompanied other person. There is no specific role allegedly attributed to the petitioner.

Learned State counsel, on instructions from ASI Dharamvir Singh, submits that after completing the investigation, charges were framed on 01.04.2019. It is submitted that there are total of 18 witnesses and only two witnesses have been examined. It is also submitted that there are three other cases under the Excise Act but there is no other case of IPC against the petitioner.

Faced with the situation, learned counsel for the petitioner submits that the petitioner was arrested on 22.10.2018 and is thus, completed almost two years of custody. He then submits that due to the present COVID-19 situation and also the fact that trial is likely to take some time, detention of the petitioner in jail is dangerous to his life. Therefore, petitioner is entitled for regular bail.

In view of the peculiar facts as noticed above, considering the existing situation due to COVID and the fact that trial is likely to take time, this Court deems it appropriate to release the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing *heavy bail bonds/surety bonds*. However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

The petition stands disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

08.10.2020/ *jyoti3*

Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No