

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CRM-M-25674-2019 (O&M)

Date of decision: 31.08.2020

Gurpreet Singh @ Pitta

.....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. J.S. Sandhu, Advocate for the petitioner.

Mr. Amar Ashok Pathak, Addl AG, Punjab.

Mr. Naveen Sharma, Advocate for the complainant.

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 Nos.20114 and13988 of 2020

Applications are allowed, as prayed for, subject to all just exceptions.

Documents at Annexures P-6 & P-7, are taken on record.

Main case

Petitioner-Gurpreet Singh @ Pitta, stated to be aged 27 years, has filed the present petition 439 Cr.P.C. *inter alia* with a prayer for grant of regular bail in case FIR No.136 dated 08.06.2017 (Annexure P-1), registered under Sections 302, 364, 341, 186, 120-B, 148, 149 & 506 of Indian Penal Code, at Police Station Talwandi Sabo, District Bathinda.

Learned counsel for the petitioner submits that the petitioner was arrested on 16.12.2017. He then submits that in the statement recorded by the complainant (Annexure P-6), on 17.12.2019, in cross-examination, the complainant has submitted as under:-

“....It is neither a fact nor I stated to the police that Gurpreet Singh son of Sikander Singh r/o Bhagi Bandar accused present today in the court was present there on dated 05.06.2017 at the place of occurrence or that he was instigating the general public to kill my brother Vinod Kumar.”

On instructions from ASI Sukhdev Singh, learned State counsel submits that petitioner was arrested on 16.12.2017 and has been in custody since then. He has not been able to dispute the factual position, otherwise, opposes the bail on merits.

Learned counsel appearing for the complainant is also not able to dispute the fact that the petitioner has undergone more than eight months of custody and also the statement (Annexure P-6), made by the complainant in his cross-examination.

Faced with the situation, learned counsel for the petitioner submits that in view of the COVID situation, detention of the petitioner in jail would be dangerous to his life and also the fact that trial is likely to take some time, the petitioner may be granted concession of regular bail.

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

Accordingly, the present petition stands disposed of.

(GIRISH AGNIHOTRI)
JUDGE

31.08.2020
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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No