

**205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-26315-2020
Decided on : 02.12.2020

Narinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Dheeraj Mahajan, Advocate
for the petitioner.

Mr. Rashmi Attri, AAG, Punjab.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.123 dated 09.11.2018 under Sections 302, 307, 324, 323, 148, 149 IPC and 3(2) (5)(V)(a) of SC/ST Atrocities Act 2015 registered at Police Station Sadar Gurdaspur District Gurdapsur.

Learned counsel for the petitioner inter alia contends that a false and fabricated version has been put-forth by the complainant in the FIR in question, which is evident from the fact that there was a delay of as many as 7 days in lodging the FIR. He further contends that the petitioner, who has been in custody since 29.11.2018, has only been attributed a lalkara and simple injury on the person of deceased. He has also submitted that similarly situated co-accused Bikramjit Singh has already been granted the concession of regular bail by the Coordinate Bench of this Court vide order dated 03.10.2019 (Annexure P-6). The trial is unlikely to conclude in the near future as only three out of the 22 prosecution witnesses cited have

been examined and hence, concession of regular bail be extended to the petitioner.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner has not been able to controvert the factual aspect of the submissions made by learned counsel for the petitioner. He on instructions from ASI Kuldeep Singh has conceded that the fatal injuries are attributed to co-accused Avtar Singh and Sukh Singh.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 29.11.2018, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic Covid-19. Hence, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

02.12.2020

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No