

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

229

**CRM-M-26050-2020
Date of decision: 10.09.2020**

Kewal Krishan

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. A.P.S. Sandhu, Advocate
for the petitioner.

Mr. Sukhbeer Singh, Asstt. A.G., Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of regular bail in case FIR No. 0026 dated 30.03.2020 registered under Sections 307, 506, 148 and 149 of the Indian Penal Code, 1860 at Police Station Shahpur Kandi, District Pathankot.

The petitioner, who is in custody since 01.08.2020, has filed the present petition for grant of regular bail.

The petition has been opposed by the learned State counsel who has filed custody certificate through e-mail, print out of which is taken on record. However, no reply has been filed by the respondent-State.

Mr. Premjit Singh Hundal, Advocate has put in appearance

and filed copy of his power of attorney through e-mail print out of which is taken on record. Original power of attorney be filed in the registry.

I have heard learned counsel for the petitioner, learned State counsel and learned counsel for the complainant and gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The petitioner was not named in the FIR. As per the allegations made in the FIR two persons armed with iron rod and dattar and three persons were armed with dang caused injuries to Akashdeep and Shankardeep. The petitioner has been named in the case after more than one and half months by making of supplementary statement. The petitioner is alleged to have given dang blows to Akashdeep and Shankardeep and injuries alleged to have been caused by him were found to be simple. Injury on head of Akashdeep, which was declared to be dangerous to life, is attributed to co-accused Bishambar while injury on forehead of injured Shankardeep is attributed to co-accused Dinesh Kumar. Co-accused Sardari Lal, Hans Lal and Joginder Singh have been granted regular bail by this Court vide order dated 28.08.2020. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel and learned counsel for the complainant have submitted that the petitioner actively participated in commission of the subject offences. On petition filed by

the mother of the injured this Court had directed the police authorities for taking appropriate action to protect their life and liberty but despite such directions the petitioner along with his co-accused caused life endangering/grievous injuries to Akashdeep Singh and Shankardeep Singh. In view of the gravity of accusation, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

In view of the facts and circumstances of the case, nature of accusation against the petitioner, role attributed to him, the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 and parity with co-accused Sardari Lal, Hans Lal and Joginder Singh who have been granted regular bail by this Court vide order dated 28.08.2020 but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10.09.2020

Vishal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No