

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

207

CRM-M No.26719 of 2020

Date of Decision: September 22nd, 2020

Shiv Kumar Sharma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Ms. Renu Arora, Advocate
for the petitioner.

Mr. B.S. Sewak, Additional Advocate General, Punjab.

(PROCEEDINGS THROUGH V.C.)

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.166 dated 19.05.2020 registered under Sections 307, 452, 120-B IPC and Sections 25 and 27 of the Arms Act, 1959 at Police Station City, Kapurthala.

It is the contention of learned counsel for the petitioner that the petitioner is neither named in the FIR nor has any injury been attributed to him. Petitioner has been named by the co-accused and it is on the basis of the said statement of the said co-accused that the petitioner has been included in the case. It is contended that the petitioner was arrested on 15.07.2020 and is in custody since then. Therefore, prayer for grant of regular bail is made by the counsel for the petitioner, especially in the light of the fact that the trial is not likely to conclude in near future.

On the other hand, learned counsel for the State, submits that it is the car of the petitioner, which was used for running away from the spot after causing injuries by the co-accused. The petitioner was very much involved in the commission of the offence and has that way played an active role and participated in the same. He states that the challan has been prepared and, therefore, the investigation in the case is over. He, however, could not dispute

the fact that the petitioner is not named in the FIR and has not been attributed any injury caused to the complainant.

I have considered the submissions made by the counsel for the parties and keeping in view the role attributed to the petitioner in the FIR, where no injury has been said to have been caused by the petitioner nor is there his participation in the said process. The trial is not likely to proceed in near future because of the prevailing circumstances, when the Courts are working in a restricted mode. The present petition is allowed.

Petitioner is directed to be released on bail to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Kapurthala.

Any observations made hereinabove are for the purpose of disposal of the present petition alone and shall have no bearing on the merit of the case during the trial in any manner.

September 22nd, 2020
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No