

Sr. No. 216

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

CRM-M-27025 of 2020 (O&M)

DATE OF DECISION : 16.09.2020

Aashu Sharma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Sultan Singh Gill, Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG Punjab.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

1. Petitioner seeks regular bail in FIR No. 23 dated 17.04.2015, registered under Sections 307, 427, 506, 148, 149 read with Section 120-B IPC, Section 25 and 54 of Arms Act, Police Station Sadar Batala, District Gurdaspur.

2. Per FIR, in the morning of 17.04.2015, some unidentified boys, being annoyed with college elections, came to the college premises and opened fire. Complainant Harjit Singh and driver of bus, namely Kuldeep Singh anyhow saved themselves. When they raised their noise, the boys went away after criminally intimidating both of them. It is the case of the prosecution that during investigation, involvement of petitioner and other co-accused surfaced. They were put to trial. The petitioner absented from the trial and was declared a proclaimed offender on two occasions i.e. on 26.11.2015 and later on 13.03.2019 when he again jumped the bail and

evaded the trial. He was arrested again on 11.12.2019 and since then he is in custody

2. Learned counsel submits that the petitioner was not named in the FIR nor any specific role has been assigned to him. According to him, due to circumstances beyond his control, the petitioner could not appear before the trial Court. According to him, the identity of the petitioner as one of the assailants would be a moot question at the trial, which is not likely to conclude anytime soon due to Covid-19 pandemic.

3. Learned State counsel, on the other hand, opposes the bail plea. On a query of Court, on instructions of ASI Sukhjinder Singh, he submits that all the prosecution witnesses have been examined and prosecution has already discharged its burden of adducing its evidence. He further submits that petitioner will flee again for the third time, if he is enlarged on bail.

4. The petitioner is in custody for last about ten months. The allegations against the petitioner have to be adjudicated after the trial. All the witnesses have been examined and there is no possibility of influencing the witnesses or tampering with the evidence. At this juncture, I am of the opinion that no useful purpose would be served by keeping petitioner in custody any more. No doubt the petitioner has misused the concession of grant of bail twice, however, trial is not likely to conclude anytime soon in view of current pandemic scenario. The Courts are currently working with restrictions due to Covid-19 pandemic and are taking up only urgent matters.

5. Taking wholesome view of the matter and without expressing any opinion on the merits of the case, the petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/ Duty Magistrate, as the case may be. In order to ensure

his presence, the petitioner is directed to report to the concerned SHO/ any official deputed by the SHO of the concerned Police Station, fortnightly at 10:00 a.m. on regular basis and SHO is directed to maintain a log book of the same, where signatures of petitioner would be taken. In case of failure to adhere to the aforesaid directions, the prosecution would be at liberty to seek cancellation of bail granted to the petitioner.

6. Petition stands allowed accordingly.

September 16, 2020
Jiten

(ARUN MONGA)
JUDGE

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