

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

CRM M-28951 of 2020 (O&M)
Date of Decision: October 28, 2020

Kamaljit SinghPetitioner
Versus
State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. K.S. Brar, Advocate
for the petitioner.

Mr. J.S. Ghumman, DAG, Punjab.

FATEH DEEP SINGH, J. (Oral)

The matter has been taken up through video-conferencing on account of outbreak of pandemic COVID-19.

Petitioner Kamaljit Singh has moved this sixth regular bail application under Section 439 of Cr.P.C. in FIR No. 167 dated 28.07.2013 registered under Section 302, 148, 149 IPC and Sections 25/54 of Arms Act (later challaned under Sections 302, 148, 149, 150, 120-B IPC and Section 25/54 of

Arms Act) at Police Station Kapurthala City, District Kapurthala.

The allegations of the prosecution in brief have been levelled by the complainant Madan Chopra claiming that on the day of occurrence while the complainant was standing outside his house alongwith his father Vijay Kumar then he saw his brother Manoj Kumar @ Deepa (deceased) came raising noise “Mar Ditta, Mar Ditta” and who was in an injured state. The complainant further saw that accused Raj Kumar @ Raja and Popi armed with pistol coming and thereafter behind them Gurpreet Singh @ Gopi came armed with dattar on a motorcycle and all of them were being instructed by Popi and Gurpreet @ Gopi. The mob was accompanied by Vikcy armed with pistol, Panku @ Pankaj Kumar, Jagga, Sunny @ Bhura @ Sarabjit Singh and Sukha @ Katta all armed with dattars and base ball bats were standing there and who encircled the deceased brother of the complainant and in the meanwhile accused Raja, Popi and Vicky fired shots at the deceased while Gurpreet Singh @ Gopi who was riding a motorcycle hit the deceased with dattar on the head and who fell down and died.

Shri K.S. Brar, learned counsel for the petitioner *inter alia* contends that the petitioner is behind the bars since more than 06 years and 11 months and that the trial is not likely to be accomplished in the near future and cited instructions/minutes of the meeting of review meeting of High

Powered Committee of the High Court bearing Memo No. 12/16/2020-2H7/1139-1143.

Mr. J.S. Ghumman, DAG, Punjab the learned State counsel has strongly opposed the bail in view of the heinousness of the offence and the fact that the trial is at fag end.

Appreciating the submissions and keeping in view that the petitioner's name does not figure in the FIR nor any specific role is attributed to him and keeping in view the period of incarceration; the present Pandemic Covid-19 situation and the instructions so cited above, this Court deems it appropriate to allow the present petitioner *interim* bail for a period of three months on his furnishing heavy bail bonds with two local surties to the satisfaction of the concerned Chief Judicial Magistrate/Duty Magistrate from the date of his actual release and with directions that he will surrender immediately before the concerned jail after expiry of the period.

Disposed off.

October 28, 2020
amit rana

(FATEH DEEP SINGH)
JUDGE

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