

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRM-M-29363-2020

Date of decision: 30.09.2020

Amritpal Singh @ Mattu

....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Bhriгу Dutt Sharma, Advocate for the petitioner.

Mr. H.S. Sitta, Assistant AG, Punjab.

GIRISH AGNIHOTRI, J. (Oral)

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

Petitioner-Amritpal Singh @ Mattu, stated to be aged 30 years, has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.77 dated 10.10.2016, registered under Sections 307, 302, 34, 148 & 149 of Indian Penal Code read with Section 27 of Arms Act, at Police Station Singh Bhagwantpur, District Ropar.

Learned counsel for the petitioner, based on the pleadings, firstly submits that perusal of the FIR would show that Balwinder Singh @ Bhura armed with a gun and his son Khushpreet Singh armed with a Kirpan accompanied by 3-4 other unknown persons, had reached the place of incident. He secondly submits that the incident is stated to be of 09.10.2016. It is submitted that on 11.10.2016, Investigating Officer (who is favouring the

complainant party), recorded the statement of one Baljit Singh Chaudhary (who is not stated to be an eye witness). On the basis of the said statement, the petitioner was involved in the present case.

On instructions from the police official, learned State counsel however submits that in spite the fact that incident was of the year 2016, the petitioner has surrendered only in the year 2019. He then submits that the petitioner has been named during investigation and therefore he is entitled to the benefit of bail.

Faced with the situation, learned counsel for the petitioner submits that in fact, charges in this case were framed on 26.11.2019 and there are total of 19 witnesses, out of which, none has been examined till date. He submits that the petitioner has already completed more than one year of custody. Still further, he submits that even as per the allegations mentioned in the challan, no overt act has been alleged against the petitioner except the allegation that he accompanied other co-accused.

Learned counsel for the petitioner further submits that in view of the COVID situation, detention of the petitioner in jail would be dangerous to his life and also the fact that trial is likely to take some time, the petitioner may be granted concession of regular bail.

In view of the peculiar facts noticed above and the present situation due to COVID-19 and also the fact that trial is likely to take some time, this Court deems it appropriate to direct release of the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing bail bonds/surety bonds.

However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

Accordingly, the present petition stands disposed of.

(GIRISH AGNIHOTRI)
JUDGE

30.09.2020
anju rani

Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No