

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-29572-2020

Date of decision: 30.09.2020

Hardial Singh @ Hira Singh

.....Petitioner

versus

State of Punjab

...Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Brijesh Nandan, 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-Hardial Singh @ Hira Singh, stated to be aged 27 years, has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.25 dated 05.04.2020, registered under Section 379-B of Indian Penal Code, at Police Station Mattewal, District Amritsar.

At the outset, learned counsel for the petitioner, based on the pleadings, submits that co-accused Satnam Singh @ Mamma and Gagandeep Singh @ Shagna, have already been granted regular bail by this Court, vide orders dated 03.07.2020, passed in CRM-M-15742-2020 and 31.07.2020, passed in CRM-M-18699-2020 (Annexures P-4 & P-5 respectively). Counsel further submits that the petitioner was arrested on 05.04.2020.

On instructions from SI Kewal Singh, learned State counsel submits that there are two more FIRs, which are pending against the petitioner. He

then submits that out of above said two FIRs, one is filed under Section 354-A IPC and second one is filed under Section 34 IPC. It is also submitted that challan in this case has been presented on 15.06.2020 and there are total of 12 witnesses, out of which none has been examined till date.

Faced with the situation, learned counsel for the petitioner submits that in the FIR filed under Section 354-A IPC as aforementioned, the petitioner has been acquitted vide order dated 11.02.2020, passed by the learned Sub Divisional Judicial Magistrate, Baba Bakala Sahib, District Amritsar (Annexure P-3).

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

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No