

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

210

CRM-M-30331-2020
Date of decision:21.12.2020

Dalvinder Singh @ Davinder Singh
Versus

... Petitioner

State of Haryana

... Respondent

CRM-M-35051-2020
Date of decision : 21.12.2020

Karandeep Singh @ Karan
Versus

...Petitioner

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Satwant Singh Rangi, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

Mr. Akshay Jindal, Advocate
for the complainant.

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SUVIR SEHGAL, J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Petitioners have filed petitions under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.488 dated 19.07.2020, registered under Sections 341, 323, 427, 307, 34 of the Indian Penal Code, 1860 and Section 27 of Arms Act, 1959, later on offence under Section 325 IPC and Sections 25/30 of Arms Act were added and Section 27 of Arms Act, 1959 was deleted, at Police Station Sadar Karnal, District Karnal.

FIR in question was registered against Balkar Singh and his two grand-sons namely Dalvinder Singh @ Davinder Singh (petitioner in CRM-M-30331-2020) and Karandeep Singh @ Karan (petitioner in CRM-M-35051-2020) on the allegation that Karandeep Singh @ Karan and Dalvinder Singh @ Davinder Singh had repeatedly hit the complainant with a bamboo stick, as a result of which, he suffered injuries. Further allegation has been levelled that Balkar Singh took out a licensed revolver and a double barreled gun and gave a lalkara. The accused, Karandeep Singh @ Karan and Dalvinder Singh @ Davinder Singh, fired shots.

Learned counsel for the petitioners has made a reference to the FSL report appended as Annexure P/3 in CRM-M-35051-2020 and argued that as per the FSL report “No bullet, pellet, cartridge case or weapon of offence etc. could be found on the spot”. He submits that the allegations of use of weapons and firing are out and out false. According to him, the alleged recovery of empty shell from Karandeep Singh @ Karan is planted. He further submits that accused Dalvinder Singh @ Davinder Singh is in custody since 21.07.2020 and accused Karandeep Singh @ Karan has been behind bar since 28.09.2020 and both of them have a clean past. Counsel urges that challan has already been presented and due to outbreak of pandemic, the trial is not progressing, therefore, the petitioners deserve to be released on bail.

Per contra, learned State Counsel assisted by learned counsel for the complainant have submitted that the allegations against the petitioners are of a serious nature that they are alleged to have fired shots on the complainant. According to them, the complainant has as many as eight

fractures. State counsel, upon instructions from ASI Mukesh Kumar states that the recovery of a double barreled gun and bamboo stick has been made from accused Dalvinder Singh @ Davinder Singh and an empty shell and a bamboo stick has been recovered from accused Karandeep Singh @ Karan. He has instructions to state that the challan has been presented on 17.09.2020 but the charges are yet to be framed and there are 16 witnesses in all.

I have considered the rival submissions of the parties.

Keeping in view the above facts and circumstances, period of incarceration of the petitioners, nature of allegations, gravity of offences and the fact that the trial is likely to consume time due to spread of contagion, no useful purpose would be served by keeping the petitioners behind bars any further.

Without commenting anything on the merits of the case, the petitions are allowed and the petitioners Dalvinder Singh @ Davinder Singh and Karandeep Singh @ Karan are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

21.12.2020
Pardeep

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No