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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.32120 of 2020 (O&M)
Decided on: 16.10.2020

Jagsir Singh @ Jagga

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. N.S. Sidhu, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.0173 dated 01.08.2019 registered under Sections 307/459/323/336/506/148/149 IPC, 25 of the Arms Act and 3 of the SC & ST Act, at Police Station Nathana, District Bathinda.

Counsel for the petitioner has submitted that the petitioner is in custody since 13.07.2020 and there are no specific allegation against the petitioner. Counsel for the petitioner has relied upon the order dated 03.02.2020 passed by this Court in CRM-M No.3514 of 2020, vide which the co-accused of the petitioner namely Jagdev Singh, was granted the concession of regular bail. The operative part of the said order, reads as under:-

“Counsel for the petitioner has relied upon order dated 6.11.2019 passed in CRM-M-46594-2019 vide which co-accused Dharampal Singh @ Dharma was granted the concession of regular bail by passing the following

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order :-

“Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of Manjit Kaur wife of Gora Singh, she along with her husband, son and daughter were sleeping in the courtyard of their house, when at about 10.30 p.m., someone knocked the door by saying that they are police persons. When she opened the door, many persons entered the house and she alerted her husband Gora Singh. It is further stated in the FIR that the petitioner was armed with an iron rod and by calling the complainant side in the name of their caste, caused injuries to them. It is further submitted that the petitioner is attributed an injury on the right arm of Gora Singh and the injury invoking Section 307 IPC is attributed to other accused persons. Learned counsel further submits that the petitioner is first offender; he is in custody for the last about 03 months; investigation is complete; challan stands presented and it will take some time in conclusion of the trial.

Learned State counsel has filed the custody certificate dated 6.11.2019 in the Court and on instructions from ASI Baldev Singh, has submitted that the injury attributed to the petitioner is on the hand of Gora Singh, as per allegations in the FIR. As per the custody certificate, the petitioner is in custody for the last 02 months and 27 days.”

Counsel for the petitioner submits that the petitioner was not named in the FIR and he was nominated after about 3½ months after the registration of the FIR.

Learned State counsel, on instructions from ASI Nirmal Singh has disputed the factual position.

Without commenting anything on the merits of the case, considering the aforesaid submissions made by counsel for the petitioner and also in view of the fact that

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the petitioner was named after about 3½ months of the registration of the FIR, this petition is allowed and the petitioner is directed to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/ Illaqa Magistrate, concerned.”

Counsel for the State, could not dispute the fact that the petitioner is in custody for the last more than 03 months. It is further submitted that charges have been framed against the petitioner on 14.08.2020 and no prosecution witness has been examined, so far.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last more than 03 months; charges have been framed; the custodial interrogation of the petitioner is not required; the co-accused of the petitioner namely Jagdev Singh has already been released on regular bail and the conclusion of the trial will take long time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

16.10.2020
yakub

Whether speaking/reasoned Yes/No

Whether reportable: Yes/No