

CRM-M-33076-2020

Date of decision : 06.11.2020

VICKY ALIAS PAKODA

.....Petitioner

Vs.

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Kushagra Beniwal, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through Video Conferencing.

This is a petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.269 dated 27.07.2019 registered under Sections 323, 324, 506, 148 and 149 of the Indian Penal Code, 1860 (for short, 'IPC') and Section 307 IPC added later on at Police Station Phillaur, District Jalandhar Rural.

Learned counsel for the petitioner has contended that no role besides being armed with a bamboo stick has been attributed to the petitioner. He also relies on the orders passed by this Court in CRM-M-49670-2019 and CRM-M-20498-2020 appended as Annexures P-3 and P-4 respectively.

Learned State counsel, on instructions from SI Govinder Singh, has stated that though the petitioner has been named in the FIR, however, there is no injury attributed to him and the only role attributed to the petitioner herein is that he was armed with a bamboo stick.

In the present case, a perusal of the FIR reveals that though the petitioner has been named in the FIR, however, it is been stated that he was armed with a bamboo stick. However, no injury has been attributed to him.

Without commenting on the merits of the case and keeping in view the fact that the petitioner has been in custody for 2 months and 12 days and also the fact that the trial is unlikely to conclude in the near future in view of the current scenario in the wake of the outbreak of the COVID-19 pandemic, I deem this to be a fit case to direct the release of the petitioner on regular bail subject on his furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Trial Court/Duty Magistrate concerned.

It is, however, made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case. However, the Prosecution shall always be at liberty to get the bail cancelled in case the petitioner is found to be misusing the concession of bail in any manner.

Disposed off, accordingly.

November 06, 2020
kv

(ALKA SARIN)
JUDGE

NOTE:

Whether speaking/non-speaking: Yes/No
Whether reportable: Yes/No