

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

214

CRM-M-33971-2020
Date of decision:21.12.2020

Jagroop Singh and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Gursimran Singh Madaan, Advocate
for the petitioners.
Mr. Randhir Singh Thind, DAG, Punjab
for the respondent-State.

...

SUVIR SEHGAL, J. (ORAL)

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

Custody Certificates dated 19.12.2020 has been filed by the State and same is taken on record.

Instant petition has been filed by Jagroop Singh and Yoginder Parshad Singh under Section 439 of the Cr.P.C. seeking grant of concession of regular bail in FIR No.32 dated 29.08.2020, registered under Sections 307, 323, 325, 332, 337, 338, 279, 186, 353 IPC, at Police Station Fatehgarh Panjtoor, District Moga, Punjab (Annexure P-1).

FIR has been registered on the statement of ASI Shree Ram, who stated that he was on duty at a Barricade in village Karahewala on 29.08.2020 along with other police officials. At 04.45 p.m., he signalled a white colour Swift car to stop, but the driver tried to drive away. Complainant caught hold of the wiper of the car and fell on its bonnet. After about 500 meters, the driver suddenly applied brakes and the

complainant fell in front of the vehicle. The driver drove the car over his legs and sped away causing fractures on his legs. Both the petitioners were arrested on 02.09.2020.

Counsel for the petitioners has urged that the petitioners have been falsely framed in the case which is apparent from the fact that they have not been named in the FIR. It is his argument that co-accused – Satwant Singh is alleged to be driving the offending vehicle and on the basis of his disclosure statement, the petitioners have been arraigned as accused. Counsel submits that the statement of co-accused recorded in custody is inadmissible in evidence. According to the counsel, both the petitioners are not involved in any other criminal case and because of the outbreak of the pandemic, the trial is not progressing, therefore, the petitioners deserve to be released on bail.

Per contra, learned State counsel, upon instructions from ASI Gurmail Singh has opposed the petition. He has submitted that co-accused Satwant Singh was driving the offending vehicle, who did not obey a public servant when he was signalled to stop the car and he sped away from the spot, crushing the legs of the complainant under his car. As per his instructions, the petitioners have a clean past. According to the learned State counsel, the challan has been filed on 30.10.2020 but the charges are yet to be framed.

I have considered the rival submissions of the parties.

The allegation against the petitioners are that they were occupants of a vehicle, which was being driven by a co-accused and the co-accused in a bid to speed away drove the vehicle over the legs of the complainant.

Keeping in view the above facts and circumstances, period of incarceration of the petitioners, nature of allegations levelled against them, gravity of offence, the fact that the petitioners have unblemished antecedents and also the fact that the trial is likely to take time due to spread of contagion, no useful purpose would be served by keeping the petitioners behind the bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioners 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.

21.12.2020
Pardeep

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No