

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

**211**

**CRM-M-34593-2020  
Date of Decision:26.11.2020**

**BILLA**

**...PETITIONER**

**VERSUS**

**STATE OF PUNJAB**

**...RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present: Mr. H.S. Jugait, Advocate for the petitioner.

Mr. Luvinder Sofat, Asst. A.G., Punjab.

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**SUVIR SEHGAL, J.(ORAL)**

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

Instant petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No.69, dated 21.03.2020 registered under Sections 307/506/148/149 IPC, 1860, and Sections 25/54/59 of the Arms Act, 1959, at Police Station Hakima, Amritsar, Annexure P-1.

Counsel for the petitioner has taken the Court through the FIR, Annexure P-1, and argued that though the petitioner is named in the FIR, but no injury has been attributed to him. He submits that the petitioner is 55 years of age and is an uncle of Ritik Malhotra, one of the co-accused. He has referred to the compromise, Annexure P-5, which has been signed by the complainant and the injured as well as the wife of the petitioner. Reliance

has been placed upon the order dated 11.09.2020, Annexure P-3, passed by this Court in CRM-M-15388-2020 titled as “**Vikas Malhotra versus State of Punjab**” to contend that the case for the petitioner is at par with that of the co-accused therein. He further submits that the petitioner is in incarceration for the last more than three months and the trial is not progressing due to the outbreak of Coronavirus, therefore, the petitioner deserves to be released on bail.

Per contra, State counsel upon instructions from ASI Ramesh Kumar, has opposed the petition. He has filed the status report by way of affidavit of Assistant Commissioner of Police (Central), Amritsar City in compliance of order dated 05.11.2020 passed by this Court. From the status report, he has submitted that out of the three accused, who had not been arrested as noticed in the order of 11.09.2020, one of them namely, Sunil Malhotra, already stands arrested and PO proceedings have been initiated against the other two. As per his instructions, the investigation against the petitioner is complete and the challan has been filed on 12.11.2020.

I have considered the rival submissions of the counsel for the parties.

A perusal of the order passed by this Court on 11.09.2020, Annexure P-3, shows that the case of the petitioner is at par with that of Vikas Malhotra and other co-accused, who were ordered to be released on bail by this Court.

Keeping in view the above facts and circumstances, the nature of allegations, the gravity of offence, and the fact that the trial is likely to take time to conclude because of the spread of the contagion, no useful purpose would be served by keeping the petitioner in further

detention. Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate.

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

26.11.2020

*Sheetal*

**(SUVIR SEHGAL)**  
**JUDGE**

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