

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

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**CRM-M No.36563 of 2020
Date of decision:22.12.2020**

Lovepreet Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Rahul Rampal, Advocate for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

SUVIR SEHGAL J. (ORAL)

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

CRM-31083-2020

Application is allowed.

Annexure P-3 is taken on record.

Main case

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.111, dated 17.06.2020 registered under Sections 307, 379-B, 324, 323, 34 of the Indian Penal Code, 1860, at Police Station Sadar Shri Muktsar Sahib, District Shri Muktsar Sahib.

FIR has been registered on the statement of a Punjab Home Guard, Jagsir Singh, wherein he alleged that when he was returning

home from his duty, he was waylaid by three unknown persons with muffled faces, in the age group of 25-30 years at 1:30 am. They hit him with kappa and baseball, snatched his purse containing cash of Rs.8,000/-, ID, some documents, two rings and one mobile phone. Investigation was conducted and the petitioner was arrested on 22.06.2020.

Counsel for the petitioner has argued that the petitioner is alleged to be armed with a baseball bat but all the injuries suffered by the complainant are with sharp edged weapon. While denying the presence of the petitioner at the spot, counsel urges that the petitioner has been roped in the FIR on the basis of the statement of co-accused, Karan, from whom kappa and purse were recovered. According to the counsel, the supplementary statement recorded by the complainant after 4 days naming the petitioner, was an after thought. He submits that the petitioner is in custody since the last six months and the trial is not progressing due to the outbreak of the pandemic, therefore, the petitioner deserves the concession of bail. Counsel further submits that the petitioner has unblemished antecedents.

Opposing the petition, State counsel, upon instructions from ASI Kulwant Singh submits that besides the baseball bat, blood stained clothes were also recovered from the petitioner. As per his instructions, the petitioner along with other two co-accused are clearly seen in the CCTV footage when they reached Civil Hospital, Muktsar Sahib for treatment of co-accused, Karan, who received injury with kappa of his co-accused during the incident. He urges that the petitioner actively

participated in the incident. As per his instructions, challan has been presented on 19.09.2020 and the charge is yet to be framed.

I have considered the rival submissions of the parties.

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

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his 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.

22.12.2020

pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No