

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

CRM-M No.37280 of 2020 (O&M)

Date of Decision : 19.11.2020

Bohar Singh alias Been

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Narender S. Kamboj, Advocate
for the Petitioner.

Mr. Bhupinder Beniwal, Asstt. Advocate General, Punjab
for the Respondent/State.

SUDIP AHLUWALIA, J. (ORAL)

CRM No.27868 of 2020

Allowed as prayed for.

CRM-M No.37280 of 2020

The instant Petition has been filed under Section 439 of the Code of Criminal Procedure seeking Regular Bail on behalf of the Petitioner in case DDR No.54, dated 19th July, 2020, registered under Sections 307, 323, 427, 188, 34 of the Indian Penal Code and Sections 25, 27 of the Arms Act, 1959 (later on offence under Section 34 of the IPC and Section 27 of the Arms Act, was deleted and Section 325, 148, 149 was added), recorded in case FIR No.86 dated 18th July, 2020, under Sections 307, 323 and 34 of the IPC and Sections 25, 27 of the

Arms Act, 1959, at Police Station Sadar Kotakpura, District Faridkot.

2. The Petitioner has remained in custody for more than 3 months since 28th July, 2020.

3. After completion of investigation, Challan against him has already been submitted. As such, he is not required for the purpose of investigation.

4. It is highlighted by Ld. Counsel for the Petitioner that although use of firearms has been imputed to his Client but there is nothing on record to indicate that any firearm injury was caused to the Complainant, namely Gagandeep Singh @ Peda in the DDR or any of his associates. On the other hand, firearm injuries were suffered by associates of the Petitioner himself as a consequence of firing at the hands of Gagandeep Singh @ Peda himself, upon the Petitioner's associates, namely Pinder Singh and Lovepreet Singh, which fact was specifically mentioned in the Petitioner's own FIR No.86 dated 18th July, 2020 (Annexure P-1).

5. In this view of the matter, without commenting upon the other merits of the case and keeping in view the fact that the trial is likely to take a considerable time to conclude in view of the on-going Covid-19 Pandemic, at this stage, this Court is of the opinion that further detention of the Petitioner for an indefinite period is not called

for. As such, he is ordered to be released on bail subject to the satisfaction of the Ld. Trial Court/Duty Magistrate concerned.

6. Disposed off.

November 19, 2020
Dpr

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No