

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

CRM-M No.41289 of 2020

Date of Decision : 15.12.2020

Mandeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Ms. Meenu, Advocate
for the Petitioner.

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

SUDIP AHLUWALIA, J. (ORAL)

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 FIR No.99, dated 15.10.2018, registered under Sections 302/307/323/201/148/149 of the Indian Penal Code and Section 27 of the Arms Act, 1959, at Police Station Bhadaur, District Barnala.

2. The Petitioner has by now remained in detention for almost 03 years since 10th November, 2018.

3. Ld. Counsel for the Petitioner has drawn attention of the Court to the fact that allegation against her Client in the FIR is of having fired at one Gursewak Singh whereas actually the persons, who succumbed to the gun-shots namely Happy Singh and Jagdeep Singh, had been fired upon by the other accused persons in the present case such as Bahadur Singh. As such, according to Ld. Counsel, the Petitioner cannot be held guilty of

having caused the death of either of the Victims.

4. It has further been submitted that by now the trial has virtually been completed and even Statements of the accused persons under Section 313 Cr.P.C. had been recorded in the Ld. Trial Court. But, thereafter, a final decision in the matter has been held up since an application under Section 319 Cr.P.C. which was moved on behalf of the Complainant/Prosecution had been dismissed by the Ld. Trial Court after which the Complainant side has preferred CRR No.1398 of 2019 in this Court in which a direction upon Ld. Trial Court was issued not to pronounce the final judgment till further orders. In this manner, according to Ld. Counsel for the Petitioner, her client is being unnecessarily detained in prison for no fault attributable to him for the delay being occasioned.

5. Be that as it may, it is clear from the FIR that the name of the Petitioner has been specifically mentioned among the group of culprits involved in the double murder of victims Happy Singh and Jagdeep Singh. At this stage, this Court is not expected to go into hair splitting scrutiny of the allegations in the FIR to hold that the Petitioner is altogether innocent, simply because no firearm injuries were directly attributable to him, when common intention of a group which results into a fatality ascribable to any particular member of the group, legally renders all the others present or abetting the actual offence to be equally liable.

6. For the aforesaid reasons, at this stage, this Court is of the opinion that the Petitioner cannot be granted the benefit of Regular Bail when actually the delay now being occasioned is not attributable to the

prosecution side, but due to the fact that hearing on the pending Revision in the Court has not been taken up as yet on account of pendency of the ongoing Covid-19 Pandemic.

7. Dismissed.

December 15, 2020

(SUDIP AHLUWALIA)
JUDGE

Dpr

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No