

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

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**CRM-M No.42481 of 2020
Date of decision:22.12.2020**

Sukha Masih

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Manoj R. Sharma, 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.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.169, dated 11.09.2020 registered under Sections 452, 324, 423, 34 of the Indian Penal Code, 1860, and Section 326 of IPC was added later on, at Police Station Kalanaur, District Gurdaspur.

Counsel for the petitioner has contended that there is a delay of 3 days in the lodging of the FIR. According to counsel, the alleged occurrence took place on 08.09.2020 and the FIR was lodged on 11.09.2020. It is his argument that the allegation against the petitioner is of inflicting injury on the bicep of the complainant with a gandasi. He

submits that the petitioner is in custody since 13.10.2020 and the trial is not progressing due to the outbreak of the pandemic, therefore, the petitioner deserves the concession of bail.

Opposing the petition, State counsel, upon instructions from ASI Satpal submits that 4 injuries were inflicted on the complainant and the injury attributed to the petitioner has been declared to be grievous. He has filed the custody certificate dated 22.12.2020. As per his instructions, the investigation is complete and the challan has been presented on 10.12.2020.

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