

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

CRM-M-43151-2020

Date of Decision: 21.12.2020

Jaskaran Singh @ Boga

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Manish Kumar Singla, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl.A.G., Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.75 dated 29.06.2020 registered under Sections 324, 323, 379-B, 148 and 149 IPC, 1860 (Section 201 IPC added later on), at Police Station Jaitu, District Faridkot. The petitioner is in custody since his arrest on 10.07.2020.

The FIR was registered on the basis of complaint given by Gursharan Singh and the allegations as noticed by the ld. Addl. Sessions Judge, Faridkot in the order dated 28.10.2020 are as under:

“Perusal of record reveals that instant FIR was registered against accused-applicant and others, for offence under Sections 323, 324, 379-B, 148 and 149 IPC at Police Station Jaitu, on the statement of Gursharan Singh son of Ravi Kumar recorded on 29.06.2020 to the effect that he is working as Salesman in Ludhiana and due to lockdown he came to meet his mother. On 28.06.2020, he along with his friend was going towards Kothe Kehar Singh on motorcycle of his friend, then at about 5:00 p.m., he was standing on the path adjoining the canal, then 4/4 persons came on two motorcycles, one motorcycle was black in colour, which Bogo, Yadi, Balraj Singh, Moosa Singh were riding and Kaka Singh along with three unidentified persons were riding on the second motorcycle, who

were having kirpans, kappas and iron handles and they started beating him. Boga Singh gave kirpan blow upon him which hit on the right thumb, then Yadi Singh, Balraj Singh and Moosa Singh gave kirpans, kapas blows on his hand and thumb. Kaka Singh, who was having kappa and other three unidentified persons gave kapas blows on the back side of his head and left knee. Upon this, he raised raula Marta Marta and then he fell down on the ground. The above said persons also fled away from the spot along with Rs.3000/-, which were fell down on the ground from the pocket.”

Learned counsel for the petitioner contends that the similarly situated co-accused have already been released on regular bail vide different orders passed by this Court. He has produced the copies of the orders. He submits that the investigation of the case is complete, however, the trial is yet to commence, as no prosecution witness has been examined so far. He prays for grant of bail.

On the other hand, learned State counsel, who is assisted by ASI Baldev Singh, has opposed the prayer, however, he does not dispute this fact that the co-accused of the petitioners, who are almost similarly situated, have been released on bail. He, on instructions further states that out of total 13 prosecution witnesses, no witness has been examined so far.

After hearing the learned counsel for the parties, this Court finds that the investigation of the case is complete and the trial is likely to take some time to conclude. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may further delay the conclusion of trial. Admittedly, the petitioner is presently confined in judicial custody since 10.07.2020, therefore, his further detention may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail

in the above case, subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate Faridkot.

The petition is allowed.

21.12.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No