201 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(through video conferencing)

CRM-M-43322-2019
Decided on : 10.11.2020

Bahadur Singh ..... Petitioner

Versus

State of Punjab ..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. S.P.S.Sidhu, Advocate
for the petitioner.

Mr. Avtar Singh Sandhu, DAG, Punjab.

Mr. Gurmeet Singh Saini, Advocate
for the complainant.

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Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.02 dated 06.01.2019 (Annexure P-1) under Sections 302, 34 IPC 1860 and 25, 29, 30, 54, 59-A, 27 Arms Act 1959 registered at Police Station Mallanwala District Ferozepur.

Learned counsel for the petitioner inter alia contends that the delay in lodging of the FIR in question lends credence to his false implication in the case in hand. He further contends that even a perusal of the FIR does not reveal the attribution of any injury to the petitioner. In fact the only role attributed to the petitioner in the FIR is of raising a lalkara and exhorting his son to fire a shot at the deceased. He has further submitted that the petitioner is in custody since 08.01.2019 and as on date only charges have been framed. Hence, there is no likelihood of the trial concluding in the near future. He has also contended that the similarly situated

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co-accused has been extended the concession of regular bail by the Coordinate Bench of this Court vide order dated 06.11.2020.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner has submitted that the firearm, which was used in the occurrence in question, was in the name of the petitioner. He on instructions from ASI Lakhwinder Singh has further submitted that the trial has not made much progress due to the prevailing condition of Covid-19.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 08.01.2019, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic Covid-19. Hence, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

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

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