

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

**CRM-M-45207 of 2019 (O&M)
DATE OF DECISION : 06.08.2020**

Bikar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Baljeet Singh Kathuria, Advocate,
for the petitioner.

Mr. N.K. Banka, DAG Punjab.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

1. The petitioner is seeking regular bail in case FIR No. 12 dated 14.01.2018, registered under Sections 307, 452, 336, 323, 324, 325, 427, 506, 148 read with Section 149 IPC and Section 25 of Arms Act, Police Station Chhehrata, District Amritsar.

2. Per FIR, petitioner along with co-accused were members of unlawful assembly and inflicted injuries on Harpal Singh. As per allegations, the petitioner who fired a double barrel gunshot, on the complainant with an intention to kill him, but bullet instead hit the wall. However, complainant still sustained injuries caused by pellets on his face and chest.

3. Learned counsel for the petitioner submits that petitioner is in custody since 14.01.2018 and it will be a moot question whether Section 307 IPC is attracted or not. According to him, not only the medical report belies the prosecution case, but the CCTV footage of the spot shows that the petitioner was empty handed. He further submits that co-accused have already been granted the benefit of bail and on the ground of parity the petitioner is entitled to same relief. He further points out that despite specific directions of this Court

contained in order dated 27.08.2018 passed in CRM-M-31612 of 2018 to conclude the trial within six months, the same has not been concluded. He further refers to order dated 02.03.2020 passed by this Court in this petition, whereby the trial Court was directed to conclude the trial within one month.

4. On the other hand, learned State counsel opposes the bail plea. He submits that petitioner is the main accused, who has been attributed fire injury within ambit of Section 307 IPC and he cannot seek parity with other accused. He further submits that trial has not been concluded only on account of situation beyond control due to Covid-19 pandemic and on this account he is not entitled to bail.

5. The petitioner is in custody since 14.01.2018. The plea of petitioner that no offence under Section 307 IPC is made out would be a moot question at trial. His other contentions about infirmities in prosecution version have also to be adjudicated during trial, which is not likely to conclude anytime soon. Due to covid-19 pandemic Courts are working with restrictions and taking up only urgent matters. No useful purpose would be served by keeping the petitioner behind the bars any more. Therefore, without commenting on the merits of the case, the petition is allowed.

6. Petitioner shall be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/ Duty Magistrate, Amritsar, as the case may be.

August 6,2020
Jiten

(ARUN MONGA)
JUDGE

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