

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-45889-2019(O&M)

Date of Decision: 07.08.2020

Gautam

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. D.S. Gandhi, Advocate for the petitioner.

Mr. A.S. Sandhu, Addl. A.G., Punjab.

TEJINDER SINGH DHINDSA.J (Oral)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Towards compliance of the order dated 15.7.2020 a reply by way of affidavit dated 31.7.2020 of the Assistant Commissioner of Police (North) Amritsar City along with Annexures R-1/T and R-2/T has been filed and the same is taken on record. Complete copy has been furnished to counsel for the petitioner.

Instant petition has been filed under Section 439 Cr.P.C seeking benefit of regular bail to the petitioner in case FIR No.229 dated 13.11.2016 under sections 302, 307, 379-B, 148, 149, 120-B I.P.C registered at Police Station, Sadar Amritsar.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Sunil Masih in relation to an alleged occurrence dated 13.11.2016 and in which elder brother of the complainant namely Chand Masih @ Vicky was killed.

During the course of arguments it has gone uncontroverted that name of the petitioner does not figure in the FIR. He has been implicated subsequently on the statement of co-accused Sahil and was arrested on 22.7.2019.

This Court had directed the filing of an affidavit depicting the role of each and every accused including the present petitioner in the commission of the alleged offence. In the reply that has now been filed on behalf of the State a tabulation has been furnished in para 10 of the affidavit of the Assistant Commissioner of Police (North) Amritsar City and in which the present petitioner has been shown to be empty handed and there is no injury/active role assigned to him.

Even as per disclosure statement of co-accused Sahil the present petitioner was alleged to be present at the scene of occurrence.

Investigation in the case is complete and the challan has been presented.

Learned State counsel informs the Court that the charges are yet to be framed. Trial, as such, is at the very initial stage and would take time to conclude particularly in view of the current COVID-19 situation.

In view of the above, petitioner is held entitled to the benefit of bail.

Petitioner be enlarged on bail subject to satisfaction of Trial Court/Duty Magistrate concerned.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

07.08.2020

lucky

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No