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

**CRM-M No.49174 of 2019(O&M)
Date of Decision: 28.10.2020**

Pawan @ George @ Gajni

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. G.S. Dhillon, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.34 dated 06.03.2014 registered under Sections 302, 482, 120-B, 148 read with Section 149 IPC and Sections 25, 27 of the Indian Arms Act at Police Station Model Town, Hoshiarpur.

FIR was lodged at the instance of Balbir Singh with the allegations that on 06.03.2014 when the complainant and his family members were sitting outside their house, then a vehicle

came to be stopped at some distance from their house. 8-9 persons duly armed with weapons came out of it. Out of them, Deepak Kumar @ Binny, Kamlesh Kumari, Rakesh Kumar, Himat Kumar, Sharru, Sukhi and Goldy came towards the house of the complainant with their respective arms. On seeing them, the complainant party stood up. Kamlesh Kumari raised a *lalkara* that the complainant be finished. Deepak Kumar @ Binnu started firing with his pistol. On seeing him, the son of the complainant namely Naresh Kumar ran towards the vacant plot and assailants chased him. He was encircled by them. Deepak Kumar @ Binni fired shot on the son of the complainant, hitting on his forehead. The son of the complainant fell down. In falling condition, Sharru attacked her son with *kirpan* by giving blow on his head. Other assailants also caused injuries on the person of the son of the complainant. On raising alarm, the assailants fled away from the spot.

Learned counsel for the petitioner submits that the petitioner was neither named in the FIR, nor any overt act was attributed to him. A supplementary statement of the complainant was recorded after three days i.e.09.03.2014, in which it was alleged that Deepak Kumar @ Binni after snatching *gandasa* from the petitioner, inflicted the blow with sharp edged side on the head of the son of the complainant, who was already lying

down.

Learned State counsel on instructions from ASI Sukhdev Singh admits that no recovery has been effected from the petitioner. Petitioner is in custody since 30.08.2015. 30 prosecution witnesses have been examined out of 34 witnesses. Now due to Covid situation, the trial has come to a halt. Petitioner is also having antecedent behaviour of criminal activities as he is involved in other three cases. In two of the cases, he is still in custody.

Learned counsel for the petitioner relies upon **Criminal Appeal No.153 of 2020** titled **Prabhakar Tewari Vs. State of UP and another** decided on 24.01.2020 to contend that involvement of the petitioner in other cases in itself cannot be a ground for refusal of prayer for bail. Co-accused namely Gurmukh Singh, Harinder Pal Singh and Shehbaj Singh have already been released on regular bail by the High Court.

Looking to the aforesaid facts and in view of the situation arising out due to COVID-19 pandemic and without advertent to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing

adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

October 28, 2020	(RAJ MOHAN SINGH)
<i>Prince</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No