

CRM-M-64457-2018 (O&M) and connected cases

1

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

202

CRM-M-64457-2018 (O&M)

Date of decision: 25.09.2020

Manjit Singh @ Mani

....Petitioner

versus

State of Punjab

....Respondent

CRM-M-18748-2019 (O&M)

Rajpal @ Raju

....Petitioner

versus

State of Punjab

....Respondent

CRM-M-25728-2020 (O&M)

Jaswinder Singh @ Laddu

....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

**Present: Mr. Hoshiar Singh, Advocate
Mr. P.P.S. Duggal, Advocate and
Mr. Ranbir Singh Sekhon, Advocate
for the petitioner(s).**

Mr. H.S. Multani, Assistant AG, Punjab.

Mr. A.P. Kaushal, Advocate for the complainant.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of restrictions due to outbreak of pandemic COVID-19.

This order shall dispose of the above mentioned three criminal petition. For the sake of convenience, CRM-M-64457-2018 will be treated as lead case.

Petitioners-Manjit Singh @ Manni (in CRM-M-64457-2018), Rajpal @ Raju (in CRM-M-18748-2019) and Jaswinder Singh @ Laddu (in CRM-M-25728-2020), stated to be aged 21, 25 & 26 years respectively, have filed the respective petitions, *inter alia* with a prayer for grant of regular bail in case FIR No.190 dated 28.10.2017, registered under sections 302, 324, 323, 148 & 149 of Indian Penal Code, at Police Station City-I, Abohar, District Fazilka.

Records of the case show that on 14.01.2019, notice of motion in the present case was issued.

Learned counsel for the petitioner, based on the pleadings, submits that the matter relates to 28.10.2017. It is the case of petitioner that he was arrested on 21.03.2018. He further submits that the place of occurrence and other slide facts, would show that it was a case of version and cross-version. Learned counsel has then made reference to the allegations in the FIR, to submit that no specific role has been allegedly attributed. In the FIR, it has been alleged by the complainant that while his father had fallen down, all these persons had given blow with rods and

sticks many a time on thigh and stomach of his father. The other co-accused namely Rajpal and Jaswinder were arrested on 19.04.2018 and 21.03.2018 respectively.

On instructions from SI Bhagwan Singh, learned State counsel submits that charges were framed on 30.04.2019 and there are total of 28 witnesses, out of which, only two have been examined till date.

Counsel for the complainant submits that the petitioners are not entitled to the concession of bail. He further submits that the complainant himself, as would be evident from the MLR, had suffered various injuries on account of which, he remained hospitalized for 12 days. He submits that the statement of the complainant is yet to be recorded and therefore, at this stage, the prayer for regular bail be not considered.

Faced with the situation, learned counsel for the petitioner(s) submit that they have instructions from the respective petitioners, to submit that in order to show their bona fide, without prejudice to their defence in the trial, they would deposit Rs.1 lac each, with the trial Court, within one month from today, which can be disbursed to the complainant towards medical expenses.

Learned counsel for the petitioners also submit that in view of the COVID situation, detention of the petitioners in jail would be dangerous to their lives and also the fact that trial is likely to take some time, the petitioners may be granted concession of regular bail.

In view of the peculiar facts noticed above and the present situation due to COVID-19 and also the fact that trial is likely to take some

CRM-M-64457-2018 (O&M) and connected cases

4

time, this Court deems it appropriate to direct release of the petitioners on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to their furnishing bail bonds/surety bonds.

In addition to the above said bail/surety bonds, accepting the offer made by counsel for the petitioners, the petitioners are directed to deposit Rs.1 lac each, with the trial Court, within one month from today, which shall be disbursed to the complainant towards medical expenses. The above said amount shall be without prejudice to the defence of the petitioners before the trial Court.

However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

Accordingly, the present petition stands disposed of.

(GIRISH AGNIHOTRI)
JUDGE

25.09.2020

anju rani

Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No