

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: August 05, 2020

1. CRM-M-49285 of 2019 (O&M)

Nishan Singh

...Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-52589 of 2019 (O&M)

Gurpreet Singh alias Tota

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. G.K.Mann, Advocate,
for the petitioners.

Mr. P.S.Walia, AAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioners have filed these petitions under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.82 dated 22.08.2019, under Sections 379-B read with Section 34 IPC, registered at Police Station, Ramdas, District Amritsar Rural. The petitioners are in custody since their arrest on 28.08.2019.

The above FIR was registered at the instance of Gurmukh Singh, who stated that Bawa Singh, resident of Gaggomahal was his friend and on 18.08.2019, he want to meet Bawa Singh at his village Gaggomahal.

After meeting him, he was going to his village through Nangal Amb Dhusi

Ban on his motor-cycle. It was about 9.00 p.m. when he was about to reach Nangal Amb Rest House, one motor-cycle came from behind, whose lights were off. There were three clean shaven boys on the motor-cycle and out of them, one was having a muffled face, who stopped the motor cycle in front of his motor cycle. The complainant stopped the motor cycle and the pillion riders, namely, Tota son of Tikka and Gopi son of Harwant Singh were armed with datars. They both got down from the motor cycle and caught hold of him from arms and the person, who was riding the motor cycle came down and started searching him. The complainant made efforts to rescue himself. The person with muffled face, removed cloth, who was Nishan Singh. In the meantime, Gopi gave 3-4 datar blow on his head and one on left shoulder, whereas Nishan Singh snatched his mobile Samsung J7 along with SIM and Rs.1500/- from his pocket and thereafter all three went away on motor cycle. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioners contends that the investigation in the subject FIR is complete and the challan was filed on 23.11.2019. It is pointed out that the charges have not been framed so far and during this period, the complainant, namely, Gurmukh Singh, has entered into a compromise with the petitioners. Learned counsel has further invited the attention of this Court to the order dated 08.07.2020, whereby co-accused Gurpreet Singh @ Gopi has been granted the concession of regular bail on the strength of the said compromise. Learned counsel has prayed for grant of bail to the petitioners, during the pendency of the trial.

On the other hand, learned State counsel, assisted by ASI Sukhwinder Singh, has opposed the prayer on the ground that the petitioners were specifically named in the FIR by the complainant. According to him,

the other co-accused was also named by the victim, who was known to him. However, it is not disputed that the charges have not been framed so far by the trial Court.

Considering the above background, custody of the petitioners and the fact that similarly situated co-accused has already been granted the concession of regular bail by this Court vide order dated 08.07.2020, this Court does not find any reason to decline the prayer of the petitioners, particularly when the trial is likely to consume considerable time to conclude as the country continues to be in the throes of global pandemic, namely, COVID-19 and the State Government and District Administration have also imposed various restrictions to curb its spread. The petitioners after their arrest on 28.08.2019 are presently confined in judicial custody, therefore, their further detention behind the bars may not be justified.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the CJM/trial Court, Amritsar.

The petitions are allowed.

August 05, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No