

In the High Court of Punjab and Haryana at Chandigarh

207

CRM-M-217-2020 (O & M)

Date of Decision: February 23, 2021

HARDEEP SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.P.S. Ahluwalia, Advocate
for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

Mr. Anil Kumar Lamdharia, Advocate
for the complainant.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking regular bail in FIR No.104 dated 13.06.2017, under Sections 302, 325, 324, 323, 506, 148, 149 and 120-B IPC and Sections 25 and 27 of the Arms Act, registered at Police Station Sadar Samana, District Patiala.

Learned counsel for the petitioner contends that although the petitioner is named in the FIR but no overt act has been attributed to him. It is alleged in the FIR that gun shots were fired by co-accused Gurmej Singh on Joga Singh (deceased) and Sewa Singh (injured). In the supplementary statement of the complainant, it has been alleged that after Gurmej Singh had fired gun shots on Sewa Singh (injured), the gun was snatched by the petitioner and a shot was fired on Joga Singh. The gun was then given to co-accused Joginder Singh, who had also fired two shots at Joga Singh. He, however, contends that .12 bore gun used in the occurrence was recovered from Gurmej

Singh. Co-accused Gurmej Singh, who was in custody for about 2 ½ years, has been granted regular bail by the Coordinate Bench of this Court in CRM-M-3778-2020 on 20.02.2020. The petitioner is in custody for over 03 years and 06 months since his arrest on 19.07.2017.

Learned counsel for the complainant states that in view of the serious allegations, the petitioner is not entitled to the concession of regular bail.

Learned State counsel upon instructions from ASI Sarabjit Singh contends that 21 out of 40 prosecution witnesses have been examined.

Heard.

The petitioner is named in the FIR but no overt act has been attributed to him. It is alleged that co-accused Gurmej Singh had fired shots on Joga Singh (deceased) and Sewa Singh (injured). The fire arm was also recovered from co-accused Gurmej Singh, who has been granted regular bail by the Coordinate Bench of this Court. 21 out of 40 prosecution witnesses have been examined.

In view of the above, especially when co-accused Gurmej Singh has been granted bail, the petitioner is in custody for over 03 year and 06 months, Covid 19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

It is made clear that any observation made hereinabove shall not be construed as an expression of opinion on the merits of the case.

February 23, 2021	(ANUPINDER SINGH GREWAL)
A.Kaundal	JUDGE
Whether speaking/ reasoned	: Yes/No
Whether Reportable	: Yes/No