

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-1628-2021
Decided on : 19.01.2021

Kulwinder Singh @ Kinder

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. A.S.Sidhu, Advocate
for the petitioner.

Mr. R.S.Khaira, AAG, Punjab.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.79 dated 02.05.2020 registered under Sections 353, 332, 186, 380, 506, 511, 188, 148, 149 IPC,1860 (however Sections 326 and 307 IPC added lateron) at Police Station Anaj Mandi District Patiala.

Learned counsel for the petitioner inter alia contends that petitioner has been falsely implicated in the FIR in question. He further contends that the petitioner has been in custody since 03.05.2020 and only challan has been presented till date. The petitioner was allegedly armed with gandasa and injury attributed to him is grievous in nature below the left knee, which is not a vital part of the body. He further submits that the injury attracting the mischief of Section 307 IPC has not been attributed to him but to the co-accused. Hence, it has been prayed that the petitioner be extended the concession of regular bail.

Per contra, learned State counsel while opposing the prayer of

learned counsel for the petitioner on instructions from ASI Lakhwinder Singh submits that challan has been presented and delay in framing of charges has been on account of outbreak of pandemic. Learned State counsel has admitted that the injury attracting the mischief of Section 307 IPC is not attributed to the petitioner.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 18.10.2020, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic Covid-19. Hence, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

19.01.2021

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No