

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

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**CRM-M-2441-2021
Decided on : 22.01.2021**

Lovish Kumar

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Rajinder Singh Bhatta, Advocate
for the petitioner(s).

Mr. Hittan Nehra, Addl. AG, Punjab
assisted by ASI Bhajan Singh.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 113, dated 22.07.2020, under Sections 307, 395, 324, 323, 506, 148, 149 IPC, registered at Police Station City Jalalabad, District Fazilka.

Learned counsel for the petitioner *inter alia* contends that neither was the petitioner named in the FIR in question nor any specific injury attributed to him, much less, an injury attracting the mischief of Section 307 IPC. He further submits that the petitioner has been in custody since 25th July, 2020 and only challan has been presented till date. Hence, there is no likelihood of the trial concluding anytime in the near future.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Bhajan Singh, has fairly conceded that the petitioner was nominated as an accused in the case in hand, in the supplementary statement, which was recorded two days after the occurrence in question and therein as well, no specific injury

was attributed to to him. It has been submitted by the learned State counsel that the petitioner arrived at the place of occurrence along with the co-accused, only after the injured already inflicted injuries by the co-accused with the weapons, which they were carrying at that time. He has further submitted that the charges are likely to be framed in the near future.

Heard.

In view of the submissions made by learned counsel for the parties, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

January 22, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*