

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 238

CRM-M-6787-2021

Date of decision : 22.04.2021

Dilbagh Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Naresh Kumar, Advocate, for the petitioner.

Mr.H.S.Multani, AAG, Punjab.

DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.90 dated 25.04.2020, registered under Sections 307/188/269/148/149/506 IPC and Section 25 of the Arms Act, 1956, at Police Station Dasuya, District Hoshiarpur.

Briefly stated, the case of the prosecution is that the petitioner, who was armed with a datar, raised a lalkara after which co-accused Jujhar Singh fired three shots at the complainant party.

Seeking regular bail for the petitioner learned counsel submits that the petitioner has been falsely implicated in this case; he is in custody since 18.12.2020; report under Section 173 Cr.P.C. has already been filed and therefore he is not in a position to influence the investigation; even if the entire case of the prosecution is accepted, though vehemently denied, the only alleged role attributed to the petitioner is a lalkara; there is no injury caused to the complainant party; co-accused Amandeep Singh, who has earlier approached this Court through CRM-M-33581-2020, has been granted regular bail and that the petitioner's trial, which is yet to commence, will take a long time to

conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner is accused of attempt to murder and that three other criminal cases are pending against him.

The only role attributed to the petitioner is a lalkara; admittedly, no injury has been caused to the complainant party; the petitioner is in custody since 18.12.2020; co-accused Amandeep Singh has already been granted bail by this Court; report under Section 173 Cr.P.C. has already been filed and therefore the petitioner is not in a position to influence the investigation and that his trial, which is yet to commence, is likely to take a long time to conclude especially in the present circumstances when the world is facing the COVID-19 pandemic.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Hoshiarpur the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

22.04.2021
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No