

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

220

**CRM-M-8134-2021
Date of decision: 26.02.2021**

Hardeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Ms. Srishti Sidhana, Advocate for
Mr. Adeeb Raheja, Advocate
for the petitioner.

Mr. P.S. Walia, Asstt. A.G., Punjab
for the respondent-State.

Mr. Harsh Raheja, Advocate
for the complainant.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.5 dated 29.01.2020 registered under Sections 354, 354-B, 452, 323 and 34 of the Indian Penal Code, 1860 at Police Station Lakho Ke Behram, District Ferozepur to which Sections 376, 511 and 376-D of the IPC were added later on.

The petitioner being in custody since the date of his arrest has filed the present petition for grant of regular bail.

The petition has been opposed by the respondent-State. However, no reply has been filed by the respondent-State.

Custody certificate has been filed by learned State counsel

through e-mail, print out of which is taken on record.

Mr. Harsh Raheja, Advocate has put in appearance on behalf of complainant Manjit Kaur and has undertaken to file his power of attorney in the Registry of this Court.

I have heard arguments addressed by learned Counsel for the petitioners, learned State Counsel and learned Counsel for the complainant.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case which is counter-blast to the FIR which was got registered by Usha Rani. The FIR was got registered due to dispute between Lal Singh and his brother Dayal Singh which has now been compromised. The complainant has admitted in her affidavit that the above said FIR was got registered due to some misunderstanding. The trial is likely to take long time due to restrictions imposed to prevent spread of Covid-19. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has submitted that in view of the nature of accusation and gravity of the offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Learned Counsel for the complainant has not disputed the genuineness of the affidavit of the complainant and has submitted that the complainant has no objection if the petitioner is granted regular bail.

In view of the facts and circumstances of the case, nature

of accusation and evidence against the petitioner, affidavit of the complainant and the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of Covid-19, but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

Accordingly, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

26.02.2021

Vishal

(ARUN KUMAR TYAGI)
JUDGE

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