

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

CRM-M-16561-2021
Date of decision :30.04.2021

Joginder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Pratham Sethi, Advocate
for the petitioner.

Mr. Sandeep Vermani, Additional Advocate General, Punjab.

JITENDRA CHAUHAN, J. (Oral)

The matter has been taken up through video-conferencing in the light of the pandemic COVID-19 situation and as per instructions.

This is fourth petition preferred under Section 439 Cr.P.C. seeking bail in FIR No. 93 dated 26.05.2015, registered under Sections 324, 323 read with Section 34 of the Indian Penal Code (for short 'IPC') (Sections 307 and 302 IPC added later on) at Police Station Sadar Fazilka, District Fazilka.

Custody certificate of the petitioner dated 29.04.2021 issued by the Deputy Superintendent, Sub Jail Fazilka has been circulated through e-mail in the Court today by learned State counsel and the same is taken on record. Copy thereof has already been supplied to the learned counsel opposite.

As per the custody certificate, the petitioner has undergone 05

years, 10 months and 23 days as on 22.04.2021.

Learned counsel for the petitioner states that two injuries on the person of complainant Karnail Singh have been attributed to the petitioner. As per the MLR dated 25.05.2015 (Annexure P-9) of complainant Karnail Singh, complain of pain over the left shoulder and a lacerated wound on the joint of the right (middle) finger were noticed by the doctor and X-ray was advised. The petitioner also received injuries as reflected in MLR dated 25.05.2015 (Annexure P-6) which was carried out immediately after the occurrence. The deceased in fact had been harassing sister-in-law of the petitioner and the petitioner was not an aggressor. He further states that there is no injury attributed to the petitioner on the person of deceased Buta Singh son of Karnail Singh. However, he fairly admits that there is delay on the part of the defence counsel in examining the defence witnesses. The delay for non-examination of DW-2 is largely attributed to the circumstances created by COVID-19 pandemic. He is not involved in any other FIR. Two of the co-accused, namely, Rano Bai and Gurdas Singh have been admitted to bail by this Court vide order dated 11.12.2015 (Annexure P-12) and 02.06.2016 (Annexure P-13) respectively.

Learned State counsel though acknowledges the fact that no injury on the person of deceased Buta Singh has been attributed to the petitioner. However, his presence and active participation in the occurrence is made out. He further acknowledges that the order passed by this Court qua co-accused Rano Bai and Gurdas Singh were not assailed either by the complainant or the State.

Heard.

The petitioner is in custody since 06.06.2015. He is not involved in any other FIR. Considering the extraordinary situation and exigencies created by COVID-19 pandemic, though the trial is at fag end but nothing can be said with certainty with regard to the conclusion of the trial, this Court is inclined to accept the prayer of the petitioner.

In view of the above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing indemnity bonds with two local sureties in the like amount to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

Keeping in view the fact that the FIR came to be registered on 26.05.2015, though the Court acknowledges the constraints operating upon the learned trial Court created by COVID-19 pandemic, however, the learned trial Court is directed to make an endeavour to conclude the trial expeditiously.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

30.04.2021
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No