

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M-18186-2021

Date of Decision: May 20, 2021

Vikram Singh @ Vicky

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amardeep Singh, Advocate,
for the petitioner.

Mr. Ramandeep Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.16 dated 18.01.2020, under Sections 323, 324, 148, 149 IPC, 1860 and Section 302 IPC (added later on), registered at Police Station, Gate Hakima, District Police Commissionerate, Amritsar. The petitioner is in custody since his arrest on 26.01.2020.

As per the allegations in the FIR, on 14.01.2020, Satish Kumar (complainant) and his brother Kamal (deceased) were returning to their house on their separate motorcycles after flying kites in the house of their uncle. On the way, motorcycle of Kamal hit Gurjit Kaur. She started rebuking Kamal and then Lovepreet Singh armed with datar, Vikramjit Singh alias Vicky armed with datar, Chandan armed with danda and Chetan alias Mukul arrived there. Gurjit Kaur exhorted Lovepreet Singh and Vikramjit Singh alias Vicky, Chetan and Chandan to assail Kamal and teach him a lesson of hitting the motorcycle against her, upon which Lovepreet

Singh caused head injury to Kamal with datar. Vikramjit Singh alias Vicky also caused head injury with datar. Chandan caused injury with danda on the back of shoulder of Kamal, who fell down. He was removed to the hospital, who later on succumbed to his injuries on 18.01.2020.

Learned counsel for the petitioner has argued that the victim Kamal Kumar, who was driving the motorcycle struck it against Gurjit Kaur and on her exhortation, the accused persons came at the spot and assaulted the victim. He submits that the victim suffered two injuries, who died on 18.01.2020, whereupon offence punishable under Section 302 IPC was added. According to him, though the injuries suffered by the victim have been attributed to the petitioner and his co-accused, namely, Lovepreet Singh, but as the investigation of the case is complete, therefore, his further custody is not necessary, particularly when the case has not been committed to the court of sessions. He further submits that the injured refused to record his statement despite repeated requests by the police and, therefore, the version of the complainant alone may not be sufficient to prove the charges. He prays for bail.

The prayer is opposed by the learned State counsel assisted by ASI Shashpal Singh on the ground that the offence is serious and the petitioner participated in the crime by causing one of the injuries on the head of the victim. However, it is not disputed by him that twice the police went to the victim for his statement, who refused to give his statement on the ground that talks regarding compromise are going on. Learned State counsel, on instructions, has further stated that final report was filed on 14.03.2020, and in all there are twenty six prosecution witnesses, but the charges are yet to be framed.

After hearing the learned counsel for the parties, this Court finds that after completion of investigation of the case, the final report has been filed on 14.03.2020, but the trial is yet to commence. Apart from it, the belligerent re-emergence of pandemic COVID-19 in the region has once again forced the governments of Punjab, Haryana and U.T.Administration, Chandigarh to impose various restrictions to clampdown the contagion, and it would further delay the conclusion of trial. Thus, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 26.01.2020.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Amritsar.

May 20, 2021
vipin kumar

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No