

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M-18091-2021

Date of Decision: May 20, 2021

Sagar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rajesh Bansal, 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 in case FIR No.123 dated 04.08.2018, under Sections 307, 323, 324, 148 and 149 IPC, 1860 and under Sections 25 and 27 Arms Act, 1959 (Section 302 IPC, 1860 added subsequently), registered at Police Station Islamabad, District Police Commissionerate Amritsar. He is in custody since his arrest on 18.09.2018.

The FIR in the present case was registered on the statement of complainant Dharminder Singh @ Hello, wherein it was alleged that on 04.08.2018 at about 2:30 p.m., when he along with his friend Ranjit Kumar @ Golu and his friend Gaurav Sharma were roaming in the fair of Gugga Peer held near their village then suddenly, Sagar armed with datar, Vicky Dagga armed with datar, Arjan armed with kirpan, Kaka @ Pepsi armed with kirpan, Mani armed with baseball, Atul photographer armed with baseball bat, Tony armed with datar along with 6-7 unknown persons, who were having double barrel gun and one person was having pistol came in

front of them and encircled them. Upon exhortation by Vicky Dagga, all the assailants attacked them with weapons and thereafter, they scuffled with each other. At this, Vicky Dagga exhorted to shoot them and one sikh person fired a shot in the air with his 12 bore double barrel and then he fired a straight gun shot towards them with an intention to kill them and it hit Gaurav Sharma, Ranjit Kumar @ Golu and the complainant and respective pellet injuries were suffered by them on chest, near right eye and head. Then, Sagar gave datar blow on his head. His body was smeared in blood and he fell down and then all the accused gave beatings to them and fled away from the spot after causing injuries to them. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner has argued that the alleged occurrence took place on 04.08.2018, wherein Ranjit Kumar @ Golu died of gun shot injuries allegedly fired by co-accused Harpreet Singh @ Happy and two others, namely, Gaurav Sharma and Dharminder Singh @ Hello suffered pellet injuries. He contends that the co-accused of the petitioner, namely, Jujhar Singh alias Vicky Dhagga, Arjun Singh and Om Parkash @ Vicky Pal have already been extended the concession of regular bail by this court. He submits that the petitioner did not cause any injury to the deceased, and is presently confined in judicial custody, who is no more required for any interrogation as challan stands filed on 03.04.2019. He prays for bail.

On the other hand, learned State counsel assisted by SI Manpreet Kaur has opposed the prayer on the ground that the offence is serious. However, it is not disputed that no injury was caused by the petitioner to the deceased and the co-accused have been extended the

concession of bail. Learned counsel further submits that no witness has been examined by the prosecution so far out of total forty nine witnesses.

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 03.04.2019, but the trial is yet to commence. The background of the case further reveals that the co-accused have already been released on regular bail, therefore, this Court does not find any reason to decline the prayer. Apart from it, the belligerent re-emergence of pandemic COVID-19 in the region has once again forced the states 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 18.09.2018.

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.

20.05.2021
vipin kumar

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No