

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.20210 of 2021

Date of Decision: May 26, 2021

Arshdeep Singh @ Sanju

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Laghuinder Singh Sekhon, Advocate,
for the petitioner.

Mr. Ramandeep Sandhu, Sr.DAG, Punjab.

Mr. Nirmaljeet Singh Sidhu, Advocate,
for the complainant.

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.27 dated 11.02.2021, under Sections 304, 458, 506 and 34 IPC, 1860, registered at Police Station, Canal Colony Bathinda, District Bathinda. The petitioner is in custody since his arrest on 11.02.2021.

The contents of the FIR as recorded by the Additional Sessions Judge, Bathinda in his order dated 04.03.2021 are as under:-

“The case of the prosecution in brief is that the FIR has been registered on the statement of Karan Kumar, who stated that his uncle Bharat Bhushan was residing with them. Arshdeep Singh, Rupinder Singh and Rajinder Singh, who are known to him, had transferred Rs.70,000/- in his account about one year ago, for getting visa for Australia. He along with abovesaid persons visited the Immigration office of Amritpal Singh Chatha at Patiala and thereafter on asking of Amritpal Singh, the complainant transferred Rs.64,000/- in the account of

Aadarshpal Singh, out of the abovesaid amount of Rs.70,000/-.
After some time, the abovesaid three persons namely Arshdeep Singh, Rupinder Singh and Rajinder Singh received offer letters, but they said that they want to go to Canada instead of Australia, but said Amritpal Singh showed his inability. Thereafter, Arshdeep Singh etc. threatened the complainant to kill. About two months ago, Arshdeep Singh and Rupinder Singh came on his shop and threatened to kill. On 10.2.2021 at about 11.00 p.m., the gate of the house of the complainant was knocked and the gate was opened by his uncle Bharat Bhushan. The complainant was also coming towards the gate. He saw that Arshdeep Singh was standing at the gate, armed with kirpan alongwith Deepak Kumar resident of Malout. Both of them were abusing loudly and threatening to kill. When his uncle stopped them from doing so, then Arshdeep Singh armed with kirpan gave push to his uncle and his uncle fell down. In the meantime, entire family came out side and lifted Bharat Bhushan and asked the assailants not to maltreat Bharat Bhushan as he is a heart patient. Assailants stated that they have come to kill and continued abusing. Then Bharat Bhushan suffered heart attack and he was taken to Delhi Heart Hospital, where doctor declared him brought dead.”

Learned counsel for the petitioner contends that as per prosecution, petitioner along with his accomplice went to the house of Bharat Bhushan, (uncle of the complainant) armed with a kirpan, and gave a push to him, who died of a heart attack. He submits that the death of the victim, who was 55 years old, was natural and no injury was found on his person. According to him, the investigation of the case is complete and, therefore, further custody of the petitioner may not be necessary. He prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by ASI Sukh Ram as well as the learned counsel for the

complainant. Learned State counsel has not disputed this fact that the final report stands filed on 09.04.2021, and according to him, charges are yet to be framed.

After hearing the learned counsel for the parties and considering the above background, this court is of the opinion that the trial is at initial stage with no possibility of its completion in near future as the charges are yet to be framed. 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, his further detention behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 11.02.2021.

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, Bathinda.

May 26, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No