

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

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**CRM-M-26223-2021
Date of decision: 16.07.2021**

JASVIR SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

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

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

Mr. Gaurav Gupta, Advocate for
Mr. Dinesh Goel, 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.78 dated 05.07.2020 registered under Sections 307, 326, 452, 323, 506, 148 read with Section 149 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Morinda, District Rupnagar.

The petitioner being in custody since 25.07.2020 has filed the present petition for grant of regular bail.

The petition has been opposed by learned State counsel and learned counsel for the complainant. However, no reply has been filed by them.

I have heard learned Counsel for the petitioner, learned

State Counsel and learned counsel for the complainant and have gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case by the police. In the present case, the petitioner was not named in the FIR and has been nominated as accused in the case on the basis of his implication in supplementary statement of complainant-Balwinder Singh as being one of the 5-6 unidentified persons who attacked the complainant and others in Pahul Diagnostic Centre, Morinda. As per the prosecution version the petitioner was armed with gandasi and is alleged to have caused injuries with the same but all the injuries attributed to him were declared to be simple. Injury caused with sharp edged weapon on left arm of complainant-Balwinder Singh which was declared to be grievous is attributed to co-accused Rimpi. Similarly placed co-accused Gurpreet Singh has been granted bail by this Court vide order dated 28.05.2021. 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 and learned Counsel for the complainant have submitted that the petitioner was armed with gandasi and he along with his co-accused inflicted injuries to complainant Balwinder Singh @ Binder, his brother Charan Singh and son Ajay Kumar. The occurrence was covered by CCTV camera. 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.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, role attributed to the petitioner, particularly the fact that injuries attracting Sections 307 and 326 of the IPC are not attributed to him, period of his custody, parity with co-accused Gurpreet Singh who has been granted regular bail by this Court vide order dated 28.05.2021 passed in CRM-M-651-2021 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.

16.07.2021

Vishal

(ARUN KUMAR TYAGI)
JUDGE

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