

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

214

CRM-M-28682-2020 (O&M)

Date of decision : 12.08.2021.

Balwinder Singh

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Brijesh Nandan, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

Anupinder Singh Grewal, J. (Oral)

Heard through video conferencing.

The petitioner is seeking regular bail in FIR No.31 dated 15.03.2014 under Sections 302, 264, 420, 436, 115, 201, 120-B IPC registered at Police Station Chatiwind, District Amritsar.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR and has been arraigned as an accused on the statement of co-accused. The petitioner has been implicated because he is the brother-in-law of co-accused Surender Singh. The car used in the occurrence was allegedly recovered from the house of the petitioner but the petitioner is neither the owner of the car nor there is any other material to indicate that the car was being driven by him. It is alleged in the FIR that two labourers were burnt alive and insurance claims were raised on the pretext that two co-accused had expired. He further contends that the petitioner had earlier been declared as a proclaimed person as he was not aware that he has been arraigned as an accused in the instant case. He also contends that the petitioner, who is 60 years of age, is in custody for over three years after his arrest on 05.06.2018 and is not involved in any other criminal case.

Learned State counsel, upon instructions from SI Shamsher Singh, states that although challan has been filed but no prosecution witness has been examined. He has filed reply by way of an affidavit of Deputy Superintendent of Police, Attari, Amritsar Rural in Court, which is taken on record. He has also filed the custody certificate in Court through e-mail, which indicates that the petitioner is in custody for 03 years, 01 month and 03 days as on 14.07.2021.

Heard.

In view of the above especially when the petitioner is not named in the FIR, he is 60 years of age, he is in custody for over three years, he is not involved in any other criminal case, the Covid-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

However, the petitioner shall appear before the Police Station Chatiwind, District Amritsar on every alternate Monday, he shall also furnish his mobile number to the concerned SHO and shall keep the location of his phone on till the conclusion of the trial.

Pending application, if any, shall also stand disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

August 12, 2021
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No