

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.217

CRM-M-33581-2020

Date of decision: 14.01.2021

Amandeep Singh @ Shavi

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Arnav Sood, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.90 dated 25.04.2020 registered under Sections 307, 188, 269, 148, 149 and 506 IPC and Section 25 of Arms Act at Police Station Dasuya, District Hoshiarpur.

Briefly stated, the case of the prosecution is that the petitioner, who was armed with a Datar, was member of an unlawful assembly of about five young men, out of whom on *lalkara* raised by Dilbagh Singh, Jhujhar Singh fired three shots at the complainant party.

Learned counsel for the petitioner submits that the petitioner who is a young man aged 22 years, has been falsely implicated in the present case; he has been in custody since 16.07.2020; there is no other criminal case in which the petitioner is involved; even if the entire prosecution case is accepted, though vehemently denied, in the alleged crime no role whatsoever is attributed to the petitioner; the report under Section 173 Cr.P.C. has already been filed, therefore the petitioner is not in a position to influence the investigation and that the trial, which is yet to begin, is likely to take a long time to conclude especially in the present circumstances when the world is facing the Covid-19 pandemic.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner is facing trial in another case under Section 307 IPC and if he is released on bail he may indulge in similar offences.

As per the status report filed by the State, the petitioner, who is a young man aged 22 years has not been attributed any specific role; the only allegation is that he was armed with a Datar and was a member of an unlawful assembly; no injury is also said to have been caused by the petitioner; in fact the present case is a case of no injury; the petitioner has been in custody since 16.07.2020; there is no other criminal case in which the petitioner is involved; the report under Section 173 Cr.P.C. has already been filed, therefore the petitioner is not in a position to influence the investigation and the trial which is yet to begin is likely to take a long time to conclude especially in the present circumstances when the world is facing the Covid-19 pandemic.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Hoshiarpur, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

(DEEPAK SIBAL)
JUDGE

January 14, 2021

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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No