

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

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**CRM-M No.35608 of 2020
Date of decision:11.01.2021**

Gurwinder Singh @ Gindi

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Ravi Malhotra, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.140, dated 14.08.2020 registered under Sections 307, 427, 506, 148, 149 of IPC, 1860 and Sections 25 and 27 of Arms Act, 1959 at Police Station Koom Kalan, District Ludhiana.

Counsel for the petitioner urges that the petitioner has not been named in the FIR and it is a case of no injury. It is his contention that co-accused, Mandeep Singh Dhillon @ Dogar has been alleged to be carrying a 12 bore double barrel gun and fired a shot while standing outside the house of the complainant. Counsel submits that the parties have entered into a Panchayati Compromise, dated 21.09.2020 and the

petition (CRM-M-37724-2020) has been filed for quashing of FIR on the basis of the compromise. Counsel further submits that the petitioner is in custody since 11.09.2020, challan has been presented and due to outbreak of the pandemic, the trial is not progressing, therefore, petitioner deserves to be released on bail.

Per contra, learned State counsel upon instructions from ASI Ashok Kumar, has opposed the petition and urged that though the petitioner is not named in the FIR but the allegation against him is that he was accompanying the co-accused and pelted stones and bricks on the house of the complainant besides hurling abuses and threatening him. As per his instructions, the factum of compromise having been effected between the parties has been verified and the petition for quashing is pending. He has filed custody certificate dated 11.01.2021, which is taken on record.

I have considered the rival submissions of the parties.

Keeping in view the fact that the matter has been compromised and the petition for quashing of FIR is pending, period of incarceration of the petitioner, nature of allegation, gravity of offence and the fact that the trial is likely to take time due to spread of contagion, no useful purpose would be served by keeping the petitioner behind the bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

11.01.2021
pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No