

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

**CRM-M-36668-2020 (O&M)
Date of decision : 12.01.2021**

HARVINDER SINGH ALIAS HAPPY

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Jasdev Singh Mehndiratta, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

ALKA SARIN, J. (ORAL)

Taken up through video conferencing.

This is the 2nd petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.25 dated 27.03.2020 under Sections 307, 188 and 34 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 registered at Police Station Shahpur Kandi, District Pathankot.

Learned counsel for the petitioner has contended that at the time of filing of the first petition the petitioner was not aware that the challan had been presented as the challan was presented in his absence and that the petitioner has now got a copy of the challan. As per the challan filed, no overt act has been attributed to the petitioner and there is no recovery which is stated to have been made from the petitioner. He further states that the only injury received by the complainant in the present petition is an injury on his right wrist on the dorsolateral aspect which is superficial in nature.

Learned State counsel has filed the status report by way of an affidavit of Rajender Singh, PPS, Deputy Superintendent of Police, District Pathankot and has stated that the recoveries were made from the co-accused.

I have heard learned counsel for the parties.

In view of the above and considering the fact that the trial is likely to take some time to conclude especially in view of the prevailing conditions on account of COVID-19 Pandemic, no useful purpose would be served by keeping the petitioner behind the bars any further. Without commenting upon the merits of the case, I deem this to be a fit case for grant of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

January 12, 2021

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**(ALKA SARIN)
JUDGE**

**NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO**