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

CRM-M-37813 OF 2020

DATE OF DECISION : 06.07.2021

Harman Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Naveen Sharma, Advocate,
for the petitioner.

Mr. P. S. Walia, AAG, Punjab.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

This is second foray of the petitioner seeking regular bail in FIR No.173 dated 01.08.2019 registered under Sections 307/459/323/336/148/149 IPC (Section 506 IPC added later on) Section 25 of Arms Act and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, at Police Station Nathana, District Bathinda.

2. Per FIR, registered at the instance of one Ms. Manjit Kaur wife of Gora Singh stating that she along with her husband, son and daughter was sleeping in the courtyard of her house, when at about 10.30 pm, someone knocked the door saying that they are police officials. When she opened the door, few persons forced their entry in the house. All of them caused injuries to her husband and son. Based thereon, arrests were caused.

3. The petitioner is stated to be in custody since 05.08.2019.

4. Learned counsel for petitioner submits that petitioner has been falsely implicated in the present case. It is further contended that investigation in the case is complete and challan has been presented. As per allegations, petitioner has been attributed two bullet injuries on the right thigh of Gora Singh (husband of the complainant).

5. Learned counsel further strenuously argues that, apart from other grounds, the petitioner, on the sole ground of parity is entitled to be released on bail as other co-accused have already been granted the concession of regular bail vide order dated 06.11.2019 passed in CRM-M-46595 of 2017 (Annexure P-2), order dated 03.02.2020 passed in CRM-M-3514 of 2020 (Annexure P-3) and order dated 13.07.2020 passed in CRM-M-16348 of 2020 (Annexure P-4).

6. Per contra, learned State counsel opposes the bail plea on the ground that grievous injuries have been attributed to the petitioner. He further submits that apart from the instant FIR, petitioner is involved in two more cases.

7. I have heard the rival contentions of respective learned counsels.

8. Petitioner is stated to be in custody since 05.08.2019. Since investigation is already over and charges have been framed, the case before the trial court is now fixed for prosecution evidence. The trial is not likely to conclude soon in view of the prevailing situation arising out of current pandemic.

9. Admittedly, investigation in the case is since complete, petitioner is thus no more required for any further custodial interrogation.

Trial of the case will take long time in view of delays being caused by current pandemic.

10. Considering the overall scenario, without commenting on the merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.

11. Accordingly, petitioner shall be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/ Duty Magistrate, as the case may be.

12. Given the antecedents, it is made clear that in case the petitioner is found involved in any other criminal case while on bail, the prosecution shall be at liberty to seek cancellation of the concession granted to him vide instant order.

JULY 06, 2021
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(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No