

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

106+219

**CRM-M-40072-2020 (O&M)
Date of decision: 24.03.2021**

Sukhdeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. A.P.S. Deol, Senior Advocate with
Mr. Himmat Singh Deol, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

CRM-6962-2021

For the reasons mentioned in the application, the same is allowed and copy of order dated 24.02.2021 passed by learned Additional Sessions Judge, Fatehgarh Sahib filed by the petitioner is taken on record.

CRM-M-40072-2020

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.80 dated 06.07.2020 registered under Sections 148, 186, 323, 353, 427 and 506 read with Section 149 of the Indian Penal Code, 1860 (for short 'the IPC') in Police Station Badali Alla Singh, Distt. Fatehgarh Sahib to which Sections 308 and 332 of the IPC were added lateron.

The petitioner being in custody has filed the present petition for grant of regular bail.

The petition has been opposed by learned State Counsel in terms of reply filed by way of affidavit of Sh. Sukhminder Singh

Chauhan, Deputy Superintendent of Police, Bassi Pathana, District Fatehgarh Sahib.

Custody certificate has been filed by learned State Counsel through e-mail print out of which is taken on record.

I have heard arguments addressed by learned Counsel for the petitioner and learned State Counsel and have gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. The Police has suppressed the true origin and genesis of the occurrence and had acted in a partisan manner by favouring the police officials. The petitioner suffered injuries in the occurrence at the hands of the police officials but the police did not record his statement. Immediately after the occurrence the petitioner was taken to CHC Khera, District Fatehgarh Sahib where he was medico legally examined and was referred to Civil Hospital, Fatehgarh Sahib where he was admitted on 06.07.2020 for medical treatment. ASI Paramjit Singh and ASI Kulwant Rai were also medico legally examined on 05.07.2020 at CHC Khera, Fatehgarh Sahib and injuries caused to them including the injury attributed to the petitioner were declared to be simple. Offence under Section 308 of the IPC is not made out against the petitioner. Charge-sheet was filed against the petitioner and his co-accused under Section 308 of the IPC but the petitioner and his co-accused have been discharged under Section 308 of the IPC by learned Additional Sessions Judge, Fatehgarh Sahib. On discharge of the petitioner and his co-accused, the case has been transferred to Chief Judicial Magistrate, Fatehgarh Sahib but the trial is yet to commence.

Learned Counsel for the petitioner has, on instructions from the petitioner, also submitted that without in any manner admitting the occurrence and without prejudice to his rights/defence in the case the petitioner is ready to compensate injured by payment of Rs.40,000/- subject to final order to be passed in the case by the trial Court.

Learned Counsel for the petitioner has further submitted that the petitioner is in custody since 08.07.2020. The trial is likely to

take long time due to restrictions imposed to prevent spread of Covid-19. No useful purpose will be served by further detention of the petitioner in custody. Similarly placed co-accused Amarjit Singh and Ram Murti have been granted regular bail by this Court vide order dated 26.10.2020. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has submitted that the petitioner inflicted injury on the head of ASI Paramjit Singh with chair with intent to kill him. The petitioner and his co-accused were discharged under Section 308 of the IPC by learned Additional Sessions Judge, Fatehgarh Sahib but revision petition is pending against the discharge order. In view of the nature of accusation and gravity of the offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, role attributed to the petitioner, the fact that after discharge of the petitioner under Section 308 of the IPC all the offences alleged to have been committed by the petitioner are triable by Judicial Magistrate First Class and also the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of Covid-19, but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

Accordingly, the petition is allowed and the petitioner is ordered to be released on regular bail on deposit of Rs.40,000/- by way of account payee bank drafts of Rs.25,000/- and Rs.15,000/- in the name of injured ASI Paramjit Singh and ASI Kulwant Rai respectively as undertaken and furnishing of personal bond with bond of one surety to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned. Needless to observe that the deposit of the amount of Rs.40,000/- by the petitioner shall not imply any admission of alleged occurrence on his part and shall be without prejudice to his rights/defence and shall also be subject to final order to be passed by the trial Court. On deposit of the amount by way of bank drafts as aforesaid, the same shall be given to injured ASI Paramjit Singh and ASI Kulwant Rai who shall be entitled to encash the same subject to the

condition that in case of acquittal of the petitioner, they shall be bound to refund the amount to the petitioner.

24.03.2021

kothiyal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No