

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

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(1)

CRM-M-40665-2020

Date of decision: 27.01.2021

Lal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

(2)

CRM-M-18-2021

Raj Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

(3)

CRM-M-472-2021

Jaswinder Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. K.B. Raheja, Advocate
for the petitioners in all the cases.

Mr. P.S. Walia, Asstt. A.G., Punjab
for the respondent-State.

Ms. Srishti Arora, Advocate
for respondent No.2/complainant.

ARUN KUMAR TYAGI, J. (ORAL)

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

Petitioner-**Lal Singh** has filed **CRM-M-40665-2020**,
petitioner-**Raj Singh** has filed **CRM-M-18-2021** and petitioners-
Jaswinder Singh and **Jagtar Singh** have filed **CRM-M-472-2021**
under Section 439 of the Code of Criminal Procedure, 1973 for grant of
regular bail in case FIR No.4 dated 29.01.2020 registered under
Sections 342 and 376-D of the Indian Penal Code, 1860 at Police
Station Lakho Ke Behram, District Ferozepur.

The petitioners being in custody since the date of their arrest have filed the present petition for grant of regular bail.

The petitions have been contested by the respondent-State. However, no reply has been filed by the respondent-State.

Custody certificates of petitioners-Lal Singh and Raj Singh have been filed by the learned State Counsel through e-mail print out of which are taken on record.

Ms. Srishti Arora, Advocate has put in appearance on behalf of complainant Usha Rani and has undertaken to file her power of attorney in the Registry.

Vide order dated 07.01.2021 passed in CRM-M-472-2021 the complainant in the present FIR was ordered to be impleaded as respondent No.2 but due to inadvertent mistake the Registry has impleaded Manjit Kaur complainant in FIR No.5 dated 29.01.2020 instead of Usha Rani complainant in present FIR No.4 dated 29.01.2020 which is ordered to be corrected accordingly.

I have heard arguments addressed by learned Counsel for the petitioners, learned State Counsel and learned Counsel for the complainant.

Learned Counsel for the petitioners has submitted that the petitioners have been falsely implicated in the case which is counter-blast to the FIR which was got registered by Manjit Kaur. The FIR was got registered due to dispute between Lal Singh and his brother Dayal Singh which has now been compromised. The complainant has admitted in her affidavit that the above said FIR was got registered due

to some misunderstanding. 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 petitioners in custody. Therefore, the petitioners may be granted regular bail.

On the other hand, learned State Counsel has submitted that in view of the nature of accusation and gravity of the offences, the petitioners do not deserve grant of regular bail. Therefore, the petitions may be dismissed.

Learned Counsel for the complainant has not disputed the genuineness of the affidavit of the complainant and has submitted that the complainant has no objection if the petitioners are granted regular bail.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioners, affidavit of the complainant and 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 petitions are allowed and the petitioners are ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

27.01.2021

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(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No