

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

CRM-M-42963-2020

Date of decision-27.04.2021

Shanty

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Shakti Mehta, Advocate for the petitioner.

Mr. R.S.Thind, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.0259 dated 16.09.2020 registered under Sections 307, 323, 341, 427, 506, 148, 149 Indian Penal Code, 1860 (Sections 324 and 326 IPC added later on) and Sections 25, 27, 54 and 59 Arms Act, 1959 at Police Station Samana, District Patiala. The petitioner is in custody since his arrest on 18.09.2020.

The FIR was registered on the statement of Satwinder Singh and the allegations as noticed by the learned Additional Sessions Judge, Patiala in the order dated 16.11.2020 are as under:

“As per the prosecution version the instant FIR has been registered on the statement of complainant Satvinder Singh son of Major Singh resident of Buta Singh Wala, PS Ghagga, given to the police on 16.09.2020. Further, as per prosecution version, the complainant party and the applicant and others fixed

a time for quarrel with each other on 16.09.2020 at about 2.30 noon at village Kakrala. The complainant belongs to PUSU Group and the accused belongs to Bhangu Group and as per the settlement the persons belonging to both the groups reached near Dargarh Peer village Kakrala armed with deadly weapons. Baljinder Singh @ Nikka was armed with pistol and his other accomplices were armed with Kirpan and Dandas and Baljinder Singh accused fired with intention to kill the complainant and others also caused injuries with sharp edged weapons to the complainant and his accomplices. Baljinder Singh was arrested on 18.09.2020. The applicant Shanty has caused grievous injuries to the complainant by means of Kirpan. So, FIR was registered.”

Learned counsel for the petitioner has argued that the injury inviting the offence punishable under Section 307 IPC has been attributed to his co-accused, namely, Baljinder Singh. He further contends that on the statement of Karnail Singh (father of the said co-accused) cross case has already been registered against complainant-Satwinder Singh and others. He further submits that the petitioner was stated to be armed with kirpan and had caused injury on the little finger of the injured-Satwinder Singh. Learned counsel has pointed out that though the investigation of the case is complete, but the trial is yet to commence, as the charges have not been framed till date. He prays for bail.

On the other hand, learned State counsel assisted by ASI Ranjit Singh has opposed the prayer on the ground that the petitioner is named in the FIR, however, it is not disputed that the investigation of the case is complete and charges are yet to be framed.

After hearing the rival submissions of learned counsel for the parties and considering the above background, this Court finds that the trial in the case is yet to commence. Apart from it, the belligerent re-emergence of pandemic COVID-19 in the region has once again forced the states of Punjab, Haryana and U.T. Administration, Chandigarh to impose various restrictions to clamp down the contagion, and it would further delay the conclusion of trial. Therefore, further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 18.09.2020.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

27.04.2021

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No