

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

103

**CRM-M-41251-2020
Date of decision: 26.03.2021**

Jarnail @ Kichu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, Asstt. A.G., Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

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

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.119 dated 29.05.2020 registered under Sections 120-B, 148, 302, 307, 339 and 506 read with Section 149 of the Indian Penal Code, 1860 in Police Station Pinjore, District Panchkula.

The above-said FIR was registered on statement of Gurjit Singh. In his statement Gurjit Singh, inter alia, alleged that on 28.05.2020 he and his cousin Gurwinder Singh were coming from Pinjore towards their village on their respective motorcycles. At about 7:30 p.m. when they reached ahead of village Manakpur Devi Lal, white Alto car with five boys and 4-5 motorcycles with 10-12 persons came and stopped their motorcycles. The boys in the car and on the motorcycles attacked them with sword, kirpan and gandasi. Channi @

Gurdeep inflicted blow with gandasi on right elbow of Gurwinder Singh. Happu gave sword blow on left leg of Gurwinder Singh. Gurmeet Singh @ Gummi inflicted sword blows on hand of Gurwinder Singh and on shoulder and forehead of the complainant-Gurjit Singh. Kichu (the petitioner) gave danda blow on his right leg. Their other companions including Kulbir, Rangpal, Lovely, Jagga, Sattu, Achhar, Pilu, Raju and Ganga also attacked both of them. He and Gurwinder Singh fell down on the road and the assailants fled from the spot in their vehicles while threatening to kill them on opportunity in future. They were taken to hospital where Gurwinder Singh died.

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. Mukesh Kumar, HPS, Assistant Commissioner of Police, Kalka, Panchkula.

I have heard 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. As per the prosecution allegations, the petitioner was armed with danda and is alleged to have inflicted danda blow on right leg of complainant-Gurjit Singh. The petitioner is not alleged to have caused any injury to deceased-Gurwinder Singh. On completion of investigation challan has been filed and committed to the Court of Session but the charges are yet to be framed. The trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 and no useful

purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has submitted that the petitioner along with his co-accused committed murder of Gurwinder Singh and caused injuries to complainant-Gurjit Singh. The petitioner actively participated in commission of the heinous offences. In view of nature of accusation and gravity of 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 no injury on the person of deceased-Gurwinder Singh is attributed to the petitioner and also the fact that trial is likely to take long time due to restrictions imposed to prevent the spread of infection 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.

In view of the above, the petition is allowed and the petitioner is 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.

26.03.2021
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(ARUN KUMAR TYAGI)
JUDGE

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