

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

222

**CRM-M-41563-2020
Date of decision: 11.02.2021**

Akashdeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. K.B.S. Mann, 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.)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of regular bail in case FIR No.137 dated 25.09.2019 registered under Sections 302, 323, 148 read with Section 149 of the Indian Penal Code, 1860 (for short, "the IPC"), at Police Station Khuian Sarwar, District Fazilka.

The above said FIR was registered on statement of Pamma Singh who alleged that on 24.09.2019, he and his son Bitu Singh along with Sarbpreet Singh and Surinder Singh went to the house of accused Alamdeep Singh to make him understand not to beat his wife Sukhdeep Kaur. On reaching the house of accused Alamdeep Singh, they saw him beating his wife. Raja brother of accused Alamdeep Singh was also present in the house and on calling by accused Alamdeep Singh,

Baby and Lakhwinder Singh who were armed with dang and Akashdeep Singh (the petitioner) and Babu Singh also came there. When they asked Alamdeep Singh not to give beating to Sukhdeep Kaur, Alamdeep Singh got annoyed and inflicted blow with stick on the head of his son Bitu Singh who fell down. Companions of accused Alamdeep Singh raised lalkara for causing more injuries to him. Bitu Singh was taken to Civil Hospital Abohar where he was declared brought dead.

The petitioner, who is in custody since the date of his arrest, has filed the present petition for grant of regular bail.

The petition has been opposed by the learned State Counsel in terms of reply filed by way of affidavit of Rahul Bhardwaj, PPS, Deputy Superintendent of Police, Sub-Division Abohar, District Fazilka in the Registry of this Court which is taken on record.

Learned State Counsel has filed custody certificate of the petitioner through e-mail print out of which is taken on record.

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

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The petitioner was not armed with any weapon and no overt-act is attributed to the petitioner. There are general allegations of raising lalkara to cause injuries to the deceased. There is only one injury on the person of the deceased which is attributed to co-accused Alamdeep Singh. The trial is likely to take long time due to restrictions imposed to prevent the spread of Covid-19 and no useful purpose will be served by further

detention of the petitioner in custody during trial. Similarly placed co-accused Babu Singh has been granted bail by this Court vide order dated 25.08.2020. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has argued that the petitioner is accused of having raised lalkara for causing more injuries to Bitu Singh and to have actively participated in his murder. In view of the gravity of accusation, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner, role attributed to the petitioner and the fact that similarly placed co-accused Babu Singh has already been granted bail by this Court vide order dated 25.08.2020 coupled with the fact that the 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.

Therefore, 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.

11.02.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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