

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

215

CRM-M-42173-2020

Date of decision: 22.02.2021

KULBIR SINGH

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Namit Khurana, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, 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 (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 276 dated 19.11.2020 registered under Sections 177, 182, 191, 193, 195, 200, 203, 211, 285 and 120-B of the Indian Penal Code, 1860 and Sections 25 and 30 of the Arms Act, 1959 at Police Station Bilaspur, District Yamuna Nagar.

Briefly stated the facts as per prosecution allegations relevant for disposal of the present petition are that FIR No.125 dated 05.07.2020 was registered under Sections 148, 149, 341, 427 and 120-B of the Indian Penal Code, 1860 at Police Station Bilaspur District Yamuna Nagar on statement of petitioner-Kulbir Singh on allegations of damage of their vehicles and firing of gun-shot on the wine shop/liquor vend by the persons named therein. The police investigated

the case and during interrogation of accused Baljinder Singh @ Binder found allegations regarding firing of shot on the shutter of the wine shop/liquor vend to be false. Accordingly, the petitioner was interrogated and in view of his disclosure statement the present FIR was registered. The petitioner, besides other co-accused was arrested. On completion of investigation, the police charge sheeted the petitioner along with other co-accused.

The petitioner being in custody since the date of his arrest 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 Rajender Kumar, HPS, Deputy Superintendent of Police, Jagadhri (Yamuna Nagar) in the Registry which is taken on record.

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. In case FIR No.125 dated 05.07.2020, anticipatory bail applications filed by Baljeet Singh @ Kaka and Baljinder Singh @ Binder were dismissed as withdrawn vide order dated 31.07.2020 and 15.10.2020 respectively. Challan has been filed against accused Baljinder Singh @ Binder and others and charges including charge under Section 307 of the IPC have also been framed in that case. The petitioner is in custody since 19.11.2020. The trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19. 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 has committed heinous offences. In view of the nature of accusation and gravity of offence, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view of the facts and circumstances of the case, the nature of accusation and evidence against the petitioner, pendency of trial in case FIR No.125 dated 05.07.2020 in which charge under Section 307 of the IPC has also been framed and 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.

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.

22.02.2021

Vishal

(ARUN KUMAR TYAGI)
JUDGE

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