

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

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**CRM-M-42183-2020 (O&M)
Date of decision : 27.01.2021.**

Bahadur Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Deepak Verma, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is a petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in FIR No.32 dated 07.04.2019 under Sections 379-B, 34 of the Indian Penal Code, 1860 ('IPC' for short) registered at Police Station Mahilpur, District Hoshiarpur, Punjab

Learned counsel for the petitioner would contend that the petitioner has been nominated on the basis of the disclosure statement of the co-accused and further that no recovery has been affected from him. Learned counsel for the petitioner has further contended that in the FIR it has specifically been stated that the complainant was attacked by three young persons. The petitioner is 60 years old and does not even fit the description of the unknown persons stated in the FIR. Learned counsel for the petitioner has further stated that there is no other case pending against the petitioner.

Learned State counsel, on instructions from ASI Daljit Singh, has stated that no recovery has been affected from the petitioner and the challan stands presented in the present case. Mr. Sandhu, Sr. DAG, Punjab

is not in position to deny that the FIR refers to three young persons.

I have heard learned counsel for the parties.

In the present case, the petitioner has been nominated only on the basis of the statement of co-accused. No recovery has been affected from him and the petitioner has clean antecedents.

In view of the above, without commenting on the merits of the case and the fact that the trial is unlikely to conclude in the near future in view of the current scenario in the wake of the outbreak of the COVID-19 pandemic, I deem this to be a fit case to direct the release of the petitioner on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Trial Court/Duty Magistrate concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

January 27, 2021
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(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Yes/No
 Whether reportable: Yes/No