

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

CRM-M-42728-2020 (O&M)

Date of decision-21.01.2021

Jaspreet Singh

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Yashpal Thakur, Advocate for the petitioner.

Mr. Sidakmeet Sandhu, AAG, 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.102 dated 29.05.2020 registered under Sections 341, 323, 324, 506, 427, 148 and 149 Indian Penal Code, 1860 (Sections 307 and 302 IPC added later on) at Police Station Khamano, District Fatehgarh Sahib, Punjab. The petitioner is in custody since his arrest on 27.09.2020.

The FIR was registered on the statement of Baldeep Sharma and the allegations as noticed by learned Additional Sessions Judge, Fatehgarh Sahib in order dated 27.10.2020 read as under:-

“The present FIR was registered on the basis of statement of Baldeep Sharma who has stated that on 28.05.2020 he alongwith Gagandeep Kumar had gone to Morinda in Swift car bearing No.PB-12W-1717 to bring Harjit Singh and when they reached near Grain Market after taking Harjit Singh after 03.30 p.m., a motorcycle came from behind on which Harshpreet Singh and Simma were riding and started abusing them Then they went to Khamanon market where he

has received call of Simma that he wants to meet him but he refused. Then they were going to Chamkaur Sahib and when they reached near Badesha Kalan at about 04.00 p.m Arshpreet Singh Bhangu and Simma alongwith 8-10 persons encircled their car and attacked them. When they were trying to save themselves, Arshpreet Bhangu gave brick blow on his right eye and then Simma gave a kirpan blow on the left side of head of Harjit Singh and he fell down. Blood oozed out from his wound when he alongwith Gagandeep Kumar tried to rescue Harjit Singh they were also given beatings. On hearing their cries, people started gathering there and accused fled from the spot with their respective weapons and threatened them while fleeing. Hence the present FIR.”

Learned counsel for the petitioner contends that as per the allegations, co-accused Arshpreet Singh Bhangu and Simma caused injuries to complainant and the deceased, respectively. He submits that the victim suffered only one injury and the same is attributed to Simma and the petitioner was not named in the FIR. He has invited the attention of the Court to the orders dated 22.09.2020 and 27.10.2020 (Annexures P-5 and P-6) to contend that some of the co-accused of the petitioner were granted the concession of anticipatory bail. It is pointed out that the investigation of the case is complete, therefore, further custody of the petitioner may not be necessary. He prays that the petitioner be released on bail during the pendency of the trial.

On the contrary, learned State counsel assisted by ASI Sukhwinder Singh has opposed the prayer on the ground that the offence is serious and the petitioner participated in the crime along with his co-accused. He on instructions states that the final report has been filed before

the Court on 03.12.2020, however, charges are yet to be framed.

After hearing the learned counsel for the parties, this Court finds that the investigation of the case is complete, however, the trial is yet to commence. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may further delay the conclusion of trial. Admittedly, the petitioner is presently confined in judicial custody since 27.09.2020 and his further detention may not be necessary for any useful purpose, therefore, this Court does not find any reason to decline the prayer.

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.

21.01.2021

vanita

Whether speaking/reasoned :

Whether Reportable :

Yes

Yes

No

No

(MANOJ BAJAJ)
JUDGE