

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

206

CRM-M No.43311-2020

Date of decision:05.01.2021

Tarsem Singh @ Semi

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Amit Kumar Walia, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.100, dated 25.09.2019 registered under Sections 323, 341, 34 of the Indian Penal Code, 1860 and Sections 325 and 307 of IPC (added later on after about one year) at Police Station Khanauri, District Sangrur.

Counsel for the petitioner submits that a fight erupted between the neighbours regarding construction of a common wall between two adjoining houses. According to the counsel, the allegation against the petitioner is that he exhorted his father, Khushi Singh, who gave “Balla”

blows upon the head and towards the right eye of the injured, Joginder Singh. Counsel submits that both the accused i.e. the petitioner and his father, Khushi Singh, were granted regular bail by the trial Court and after 11 months, on the basis of a medical opinion obtained on 27.08.2020, offences under Sections 325, 307 of IPC were added and the petitioner was arrested. He urges that the challan has been presented on 06.10.2020 but the trial is not progressing due to the outbreak of pandemic and the petitioner, who is in custody since 30.08.2020, deserves to be released on bail.

Per contra, learned State counsel upon instructions from ASI Manjit Singh could not dispute the fact that the injury attracting Section 307 of IPC is attributed to the co-accused, Khushi Singh. As per his instructions, out of 13 prosecution witnesses, none has been examined. He could not dispute the fact that the petitioner has clean past.

I have considered the rival submissions of the parties.

In view the fact that grievous injury has been attributed to the co-accused and the petitioner is alleged to have instigated the co-accused, period of incarceration of the petitioner, his unblemished antecedents and the fact that the trial is likely to consume time due to spread of contagion, no useful purpose would be served by keeping the petitioner behind the bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty

Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

05.01.2021
pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No