

Gurdeep Singh @ Deepa

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Pratham Sethi, Advocate, for
Mr. Amit Singh Sethi, Advocate,
for the petitioner.

Mr. Sidakmeet Sandhu, A.A.G, Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

On 28.05.2020, the following order had been passed by this
court:-

*“All cases listed today have been taken up
for hearing by way of video conferencing because of the
situation existing due to the COVID-19 pandemic.*

*This petition has been filed under the
provisions of Section 439 Cr.P.C., for grant of 'regular
bail' to the petitioner in case FIR No. 89 dated
27.04.2019, registered at Police Station Samrala,
District Ludhiana, for the alleged commission of
offences punishable under Sections 323, 341 and 506 of
the IPC (Section 307 of the IPC was added later on).*

*Learned senior counsel appearing for the
petitioner submits that all other co-accused of the
petitioner were even granted anticipatory bail, with the
petitioner having remained in custody for about
10 months now (since 22.07.2019), he having been*

attributed a grievous injury to one person and simple injuries to other persons, but with all such persons having been discharged from hospital in a “fully oriented condition”.

He next submits that with the current situation of the pandemic continuing, the trial is not likely to conclude in the near future, with no witnesses having been examined so far.

Learned counsel for the State, on the other hand, submits that this is the 5th FIR registered against the petitioner and therefore he does not deserve the concession of bail at all.

In rebuttal, learned senior counsel submits that the petitioner has been acquitted in two of the cases registered against him, with an 'untraced report' having been submitted in one case, and with the petitioner having been granted the concession of anticipatory bail in the 4th case.

Having considered the matter, though the petitioners' antecedents obviously do not 'augur well' for him, yet, keeping in view the fact that he has been in custody for the past 10 months, with the trial not having commenced as yet as regards examination of witnesses, it is considered appropriate to admit the petitioner to interim bail at this stage, till the next date of hearing before this court, upon his furnishing adequate bail and surety bonds to the satisfaction of the trial court/Chief Judicial Magistrate/Duty Magistrate concerned.

Adjourned to 13.08.2020.”

Thereafter, the interim order was continued, with the trial not having progressed during the period of this pandemic.

On 19.01.2021, a gazetted had been directed to file a reply giving therein the present medical condition of the person whom the

petitioner was alleged to have injured (thereby attracting the allegation of an offence punishable under the provisions of Section 307 of the IPC having been committed).

Pursuant thereto, eventually an affidavit dated 13.07.2021 has been filed by the DSP, Samrala, annexing therewith the reports in respect of the two persons stated to have been injured in the occurrence in question, i.e. Satnam Singh and Kalia Singh. The affidavit is ordered to be taken on record.

Though neither of the reports of the doctors specifically state that either person suffers from any after effects of the injury, that would seem to be so, on a perusal of the reports, and with the DSP also having stated that the condition of injured Satnam Singh at present is good (he being the person on whom an injury dangerous to life is alleged to have been inflicted).

Though the DSP subsequently has also stated that the petitioner does not deserve to be admitted to bail as he would then indulge in the same kind of crimes as he had earlier, however, it is to be noticed that the petitioner has been actually on interim bail for more than one year now, with nothing brought to the notice of this court that he has ever misused that concession.

Upon query to learned State counsel he submits that as per his instructions the trial has still not commenced, due to the ongoing pandemic.

That being so, looking at all the circumstances hereinabove, without making any comment on the actual merits of the case, the petition is allowed and the order dated 28.05.2020 read with the order dated 19.06.2020, is made absolute on the same terms and conditions.

Naturally, if the petitioner at any stage misuses the concession of bail, it would always be open to the prosecution to move an appropriate application in that regard.

July 15, 2021
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.