

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

222

CRM-M-47719-2019 (O&M)

DATE OF DECISION: 25.11.2021.

GURDARSHAN SINGH @ DARSHAN

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Ms. Hasan Kaur, Advocate for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The petitioner is seeking regular bail in FIR No.28 dated 17.01.2015, under Sections 302, 303, 34 and 120-B IPC and Section 25 of the Arms Act, 1959, registered at Police Station Mahesh Nagar, District Ambala.

Learned counsel for the petitioner contends that the petitioner was not an active participant in the commission of the offence and the allegations against him are that he had conducted reeve and was found standing at the place of occurrence. There is no motive which is attributed to the petitioner. The deceased Gajinder Singh had expired due to gun-shot injuries which were attributed to co-accused Kuldeep alias Kallu Shahpuria. The petitioner is in custody for over 06 years and 08 months and the trial has come to a stand-still due to Covid-19 pandemic. She has relied upon the judgment of the Supreme Court in the case of **Prabhakar Tewari vs. State of U.P., 2020 (1) RCR (Criminal) 831**, wherein it is held that pendency of several criminal cases against the accused cannot be the basis to refuse the bail.

Learned State counsel, while referring to the affidavit filed by the DSP, Ambala Cantt., contends that the petitioner was doing reeve of the deceased and was present near the place of occurrence. It is also stated that the bullet was fired from a country-made pistol by co-accused Hardeep @ Monu which is also evident from the FSL report as the pistol, which was recovered from co-accused Hardeep @ Monu, was stated to have fired the bullet. A copy

of the FSL report is at Annexure R-1. The petitioner is stated to be involved in 20 other cases and had conspired with co-accused to kill the deceased. He, upon instructions from SI Joginder Singh, contends that the petitioner is in custody for 6 years, 10 months and 04 days.

Heard.

In view of the above, especially when the petitioner is in custody for over 6 years and 10 months, he has not caused any injury to the deceased, there is no motive which is attributed to the petitioner, the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

At the time of his release, the SHO, Police Station Mahesh Nagar, District Ambala shall be informed. The petitioner shall also appear before the SHO every alternate Monday till the conclusion of the trial. He shall also furnish his mobile number to the SHO and keep his mobile phone location on. Pending applications, if any, also stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

25.11.2021

SwarnjitS

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