

Ramesh Singh Vs. State of Pb.
CIS No. BA-141 of 2020
CNR No. PBPTA1002415-2020

Present : Sh. Rupinder Singh APP for the State.
Sh. Manjit Singh Advocate for accused/applicant Ramesh Singh.

Heard on the bail application moved learned counsel for applicant Ramesh Singh @ Papu who is in custody since 23.07.2020. Learned counsel for the accused contended that applicant/ accused was sent into police custody on 23.07.2020 upon his surrender. It has been further contended that earlier the bail application filed by the applicant/ accused was rejected by the Ld. JMJC Rajpura . The Covid-19 test of the accused was conducted during the police remand and he was tested positive. Counsel for the applicant further relied upon the notification in para no. 12 dated 25.03.2020 passed in a meeting under the Chairmanship of Hon'ble Mr. Justice R.K. Jain Judge, Punjab and Haryana High Court, Chandigarh and Executive Chairperson, Punjab State Legal Services Authority, SAS Nagar. Lastly, a prayer for grant of interim bail to the applicant/ accused was made.

Per contra, the learned APP for the State has not filed reply to the bail application, rather argued that the offence involved in the instant case is serious and prayed for dismissal of the application.

Heard papers perused. Perusal of papers clearly reveals that, accused Ramesh Singh has been tested Corona (+ve) and by the present application Ld. Counsel for the accused Ramesh Singh argued that, in this present case, he be granted interim bail as per the notification. At this stage, I deem it appropriate to refer that, the present case has been registered Under Sections 341/ 323/ 324/ 326/ 452/ 506/ 148/149 IPC and Section 326 of IPC clearly reveals that punishment is imprisonment for life or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine. Section 326 IPC is hereby reproduced as under:-

*“326. Voluntarily causing grievous hurt by dangerous weapons or means—
Whoever, except in the case provided for by section 335, voluntarily causes grievous hurt by means of any instrument for shooting, stabbing or cutting, or*

any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with 1[imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.”

Now the present application has been filed by the applicant/ accused through counsel for grant of interim bail. The Criteria for release of under trial prisoner has been referred in detail in para no. 12 of the Notification dated 25.03.2020 passed in a meeting under the Chairmanship of Hon'ble Mr. Justice R.K. Jain Judge, Punjab and Haryana High Court, Chandigarh and Executive Chairperson, Punjab State Legal Services Authority, SAS Nagar and no ground for granting interim bail to accused/applicant is referred as per the present application. Neither Cornona (+ve) under trial prisoner has been held entitled for interim bail nor offence, which is punishable for life or with imprisonment of either description for a term which may extend to ten years as per notification can be held entitled to the relief of interim bail as prayed for. Accordingly, the present application deserves to be dismissed and is hereby dismissed.

As such the court is of the considered view that the applicant / accused is not entitled for concession of interim bail. Therefore, keeping in view the gravity of offence alleged to have been committed by the accused, I am of the opinion that concession of interim bail cannot be extended to the accused/applicant, as such the interim bail application is hereby dismissed.

Sweety
Stenographer-III

(Suman Pathak) (PB0316)
Sub Divisional Judicial Magistrate
Rajpura/29.07.2020
Duty