

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

Bail Application No.24 of 2022

Sandham Daho Singh @ Santikumar, aged about 45 years,
S/o (L) S. Yumjao Singh, a resident of Tanjeng Ahallup,
Kumbi P.S. BPR District, Manipur A/P Singjamei Thangjam
Leikai, P.O. & P.S. Singjamei, Imphal West District, Manipur
– 795001.

..... *Petitioner/s*

– Versus –

The Officer-in-Charge of Kumbi Police Station, Kumbi,
Manipur.

.... *Respondent/s*

BEFORE
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

For the Petitioner : Mr. Ch. Ngongo, Sr. Advocate
Ms. Reena Chongtham, Advocate

For the Respondent : Mr. Y. Ashang, PP

Date of Hearing : 03.10.2023

Date of Judgment &
Order : **27.11.2023**

JUDGMENT & ORDER
(CAV)

[1] Heard Mr. Ch. Ngongo, learned senior counsel assisted by Ms. Reena Chongtham, learned counsel for the petitioner and Mr. Y. Ashang, learned PP for the State Respondent.

[2] The petitioner was arrested on 09.01.2017 in connection with FIR No.2(1)2017 Kub-PS U/S 364 A/34 IPC & 25 (1-C) Arms Act.

[3] Vide order dated 10.11.2021 passed in Cril. Misc.(B) Case No.64 of 2021, Ld. Sessions Judge, Bishnupur released the petitioner on interim bail for 90 days on medical ground and vide another order dated 01.03.2022 passed in Cril. Misc.(B) Case No.7 of 2022, the interim bail was further extended for a period of 60 days on medical ground. However, vide order dated 30.04.2022 passed in Cril. Misc.(B) Case No.14 of 2022 (Annexure-A/8), interim bail was rejected and the petitioner was taken into custody and it is stated that since then, the petitioner is in custody. The petitioner and other four accused faced the trial in Sessions Trial Case No.3 of 2018 in the Court of Sessions Judge, Bishnupur. PW No.7 was examined on 25.03.2022 and since then, there is no progress in the trial and none of the other cited witnesses has been examined without assigning any reason. It is submitted that out of the 5(five) accused, 2(two)

accused have already been released on default bail and the petitioner and 2(two) other accused are languishing in custody.

[4] Mr. Ch. Ngongo, learned senior counsel for the petitioner submits that the petitioner is innocent and none of the 7 (seven) PWs examined so far, has stated anything implicating of the present petitioner and the petitioner has a good chance of acquittal in the trial and confining him in custody without any material will amount to punitive detention before completion of the trial. It is prayed that the petitioner be released on bail during pendency of the trial.

[5] Mr. Ch. Ngongo, learned senior counsel for the petitioner relies on a judgment of Hon'ble Supreme Court in the case of **Sagar Tatyaram Gorkhe & Another vs. State of Maharashtra** reported as **(2021) 3 SCC 725** wherein the Hon'ble Supreme Court released the accused as there is no progress in the trial.

[6] Mr. Y. Ashang, learned PP for the State Respondent submits that the petitioner was involved in the heinous crime of abduction and ransom. It is further stated that the trial could not be proceeded further due to Covid-19 Pandemic and the prevailing law and order condition in the State of Manipur. He further stated that if the accused is released on bail, there is likelihood of him threatening the witnesses. Accordingly, it is prayed that the Bail Application may be rejected.

[7] This Court has considered the rival submissions made at the bar and the materials on record.

[8] In the charge-sheet, 21 PWs are listed for examination and PW No.7 was last examined on 25.03.2022. It is admitted that there is no progress in the investigation and no satisfactory reason has been provided by the prosecution. On bear perusal of the depositions of 7 PWs recorded so far, nothing material has been stated by them implicating the present accused in the crime except for stating that he was arrested and some of the PWs signed in the arrest memo. The specific role of the petitioner is missing from the depositions of 7 PWs examined so far by the trial Court. Fourteen more PWs are to be examined by the trial Court. It is the settled principle of law that rejection of bail should not be neither punitive nor preventive. It is essential for securing the appearance of the accused during the trial.

[9] In a celebrated case of **Hussainara Khatoon v. Home Secy., State of Bihar** reported as **(1980) 1 SCC 81**, right to speedy trial of offenders facing charges is “implicit in the broad sweep and content of Article 21 and the same is a fundamental right.

[10] In the case of **Mohd. Muslim Vs. State (NCT of Delhi)** reported as **AIR 2023 SC 1648**, the Hon’ble Supreme Court held in Para 21 that “it would be important to reflect that laws which impose stringent conditions for grant of bail,

may be necessary in public interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable” and the Court released the accused (a person involved in NDPS) on bail on the ground of delay in trial.

[11] In the case of **Sanjay Chandra Vs. CBI** reported as **(2012) 1 SCC 40**, the Hon’ble Supreme Court observed that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment; unless it can be required to ensure that an accused person will stand his trial when called upon.

[12] Since the delay in trial has not been satisfactorily explained by the prosecution, this Court is inclined to release the accused on bail as there is no progress in the trial and also none of the 7 PWs examined so far by the trial Court, says anything against the accused for involvement in the alleged heinous offences.

[13] Accordingly, the Bail Application is allowed with the following conditions:

- a) The petitioner be released on bail on furnishing PR Bond of Rs.50,000/- (Rupees fifty thousand) with a surety (government

employee) of like amount to the satisfaction of the Ld. Sessions Judge, Bishnupur;

- b) The petitioners shall cooperate with the prosecution;
- c) The petitioners shall appear before the trial Court on each day fixed for trial;
- d) The petitioner shall not tamper with the evidence or influence the witnesses; and
- e) On breach of any of the aforesaid conditions, the respondent is at liberty to approach this Court for appropriate order in accordance with law.

[14] Send a copy of this order to learned Sessions Judge, Bishnupur for information.

JUDGE

FR/NFR

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