

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

**Criminal Misc. No. M-2976 of 2016
Date of Decision:-24.05.2016**

Sarabjit Singh alias Sweet

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. H.S. Sangha, Senior Advocate with
Mr. Narinder Singh, Advocate
for the petitioner.

Mr. Gurinderjit Singh, Deputy A.G., Punjab.

HARI PAL VERMA J.(Oral)

This is the second petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner Sarabjit Singh @ Sweet in case FIR No.51 dated 27.6.2013, registered under Sections 307, 324, 323, 341, 148 and 149 IPC and Section 25 of the Arms Act, registered at Police Station Badhni Kaln, District Moga, during pendency of the trial.

Learned senior advocate has stated that apart from the fact that

there is a cross case between the parties, except the petitioner, all the accused from both sides have been granted bail. No specific injury has been attributed to the petitioner. The petitioner is in custody since 10.10.2014 and no prosecution witness has been examined in the case so far. Therefore, the petitioner cannot be kept in custody for an indefinite period.

Learned State counsel on instructions from ASI Sewak Singh does not dispute the above fact and states that out of total 22 prosecution witness, no prosecution witness has been examined. He further states that against one of the co-accused P.O. proceedings have been initiated.

I have heard learned counsel for the parties.

As against the total 22 prosecution witnesses cited by the prosecution, not a single witness has been examined. Therefore, trial will take sufficient long time. The petitioner is in custody since 10.10.2014 and no specific injury has been attributed to the petitioner.

Accordingly, the petition is allowed and the petitioner shall be released on bail on his furnishing appropriate bail bonds to the satisfaction of the trial Court.

The observation made here-in-above shall not be construed as an expression on the merits of the case. It is made clear that the petitioner shall not influence any of the prosecution witnesses.

May 24, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE

