

Criminal Misc. No. M- 31414 of 2017 (O&M)

Date of decision : September 12, 2017

Jarnail Singh

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. D.S. Malwai, Advocate for the petitioner.

Mr. Devinder Bir Singh, DAG, Punjab.

Mr. Ashwani Bhardwaj, Advocate
for respondents No. 2 and 3.

LISA GILL, J.

This is the second petition preferred by the petitioner for grant of bail pending trial in FIR No. 176 dated 16.12.2015 under Sections 376, 307, 511, 34 IPC registered at Police Station Dirba, District Sangrur.

The first petition for bail preferred by the petitioner was dismissed as withdrawn on 01.06.2017 as it was informed that the petitioner's statement under Section 313 Cr.P.C. has been recorded and the trial was at its fag end. Moreover, it was informed by learned counsel for the State, on instructions from ASI Nirmal Singh, Police Station Dirba that an application under Section 319 Cr.P.C. filed for summoning others as additional accused was dismissed. Revision petition against the said order was stated to have been preferred by the complainant. Though details of the revision petition were not forthcoming, it was affirmed by learned counsel for the State on instructions of the above said ASI that there was no direction for stay of proceedings before the learned trial Court. In this view of the matter, said petition was withdrawn.

However, learned counsel for the petitioner submits that it has now come to light that CRR No.4132 of 2016 is pending before the Court challenging the dismissal of the application under Section 319 Cr.P.C. The trial Court was directed to adjourn the case beyond the date fixed in the said petition. Reference is made to order dated 09.11.2016 (Annexure P-5). The said revision petition is still pending. It is submitted that the allegations of alleged attempt to rape or poison the victim are not substantiated by the evidence on record. Admittedly, the prosecution evidence is complete. The trial is not progressing due to interim order passed by this Court in CRR No. 4132 of 2016. Pendency of CRR No. 4132 of 2016 as well as interim order dated 09.11.2016 now stand verified.

I have heard learned counsel for the parties.

Learned counsel for the State, on instructions, from HC Harmesh Singh, verifies that the petitioner is not involved in any other criminal case. The petitioner is in custody since 02.01.2016. There is no explanation forthcoming as to the incorrect information furnished before this Court on 01.06.2017. It is, however, assured that necessary action shall be taken in this regard against the concerned official.

There are no allegations on behalf of the State that petitioner is likely to abscond or not be available to face trial as and when required. No useful purpose shall be served by keeping the petitioner incarcerated any longer. Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition.

Consequently, the petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned trial Court.

Further, Senior Superintendent of Police, Sangrur is directed to look into the furnishing of incorrect information on 01.06.2017 before this Court. Responsibility be fixed and necessary action be taken against the concerned officials. Report in this respect be submitted within four weeks of receipt of certified copy of the order.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

September 12, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No