

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

Date of decision:9.2.2017

(1) CRM No.M-40268 of 2016

Narinder Singh ... Petitioner
versus

State of Punjab ... Respondent

(2) CRM No.M-40733 of 2016

Balvir Singh ... Petitioner
versus

State of Punjab ... Respondent

(3) CRM No.M-43695 of 2016

Joga Singh ... Petitioner
versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Salil Puri, Advocate,
for the petitioners
(in CRM Nos.M-40268 and M-40733 of 2016)
Mr.Sanjiv Sharma, Advocate,
for the petitioner
(in CRM No.M-43695 of 2016)
Mr.R.S.Randhawa, Addl.AG, Punjab.
Mr.R.S.Sekhon, Advocate,
for the complainant.

...

AMOL RATTAN SINGH, J. (Oral)

1. By these three petitions, the petitioners therein are seeking 'regular bail', with them having been arrested in the month of June, 2014, pursuant to FIR No.197 having been registered for the alleged commission of offences punishable under Sections 302/323/148/149/120-B IPC, and Sections 25/27/54/59 of the Arms Act, at Police Station Sadar, Ferozepur.

2. Learned counsel for the petitioners submit that even as per the

allegations against the three petitioners, no major role is attributed to them in the fight that took place, leading to the death of three persons and, in fact, the petitioners themselves have been all falsely roped in and actually there are two versions of the whole occurrence.

They further submit that the trial is likely to continue for a long time, as after the decision of an application filed under Section 319 Cr.P.C., yet another application under the same provision has been filed and the petitioners having already been in custody for about 2 years and 8 months, would continue to remain incarcerated for a long time, if not bailed out. They also submit that a similarly placed co-accused, Sukhdev Singh, has already been admitted to bail by a coordinate Bench of this Court.

3. Learned counsel for the complainant and learned State counsel submit that the complainant is still to depose after the application under Section 319 Cr.P.C. has been filed and it being a triple murder case, permitting bail to the petitioners at this stage may lead to witnesses being influenced.

4. Having heard learned counsel for the parties, keeping in view the fact that it is a triple murder case and the complainant himself is still to depose, even though custody for such a long period is undoubtedly something which needs to be kept in mind by the Court, yet, balancing both aspects, in the opinion of this Court, the petitioners cannot be admitted to bail at this stage.

5. However, keeping in view the fact that the petitioners have been in custody for about 2 years and 8 months, the trial Court is directed to ensure that the trial is not unnecessarily delayed on account of witnesses not

appearing on time and it would take all steps necessary, to ensure that the witnesses are duly examined, with the material witnesses to be examined first of all.

6. The SSP, Ferozepur, is also directed to ensure that all official witnesses positively appear before the trial Court on the first date that they have been summoned to do so, failing which he would be required to explain in appropriate proceedings as to why police officials are not responding to summons as and when called upon by the trial Court.

7. With the aforesaid observations and directions, these three petitions stand dismissed at this stage.

A photocopy of this order be also placed on the files of the other connected matters.

9.2.2017
adhikari/pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No