

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

CRM No.M-42693 of 2016 (O&M)
Date of Decision: 16.03.2017

Balwant Singh @ Baboo & another --Petitioners

Versus

State of Punjab --Respondent

2.CRM No.M-42476 of 2016 (O&M)

Ranjit Singh --Petitioner

Versus

State of Punjab --Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. T.S. Sangha, Sr. Advocate with
Mr. Munish Raj, Advocate for the petitioner(s).

Ms. Harpreet K. Athwal, DAG, Punjab.

TEJINDER SINGH DHINDSA, J.

This order shall dispose of CRM-M-42693-2016 (Balwant Singh @ Baboo & another Versus State of Punjab) and CRM-M-42476-2016 (Ranjit Singh Versus State of Punjab) as both these connected petitions have been preferred under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioners herein pending trial in case FIR No.38, dated 15.05.2013, under Sections 302/449/201/148/149/120-B IPC and Section 25 of the Arms Act, registered at Police Station Tapa, District Barnala.

FIR came to be registered on the complaint of Jagroop Singh in relation to an occurrence that took place on 15.05.2013 and in which his son, namely, Resham Singh received gun shot injuries and to which he succumbed and lost his life.

Insofar as the three petitioners in these two connected petitions are concerned, the specific role attributed is to Balwant Singh @ Baboo of having fired a shot which hit Resham Singh deceased on his left leg below the knee, Kulwinder Singh @ Kinda having fired from a 12 bore rifle and the shot having landed on the deceased on his right knee and Ranjit Singh also having fired a shot from a 12 bore rifle which landed on Resham Singh deceased on his right ankle.

Balwant Singh @ Baboo and Kulwinder Singh @ Kinda were arrested on 10.06.2013 and Ranjit Singh has been in custody since 16.06.2013.

On a previous occasion, one of the petitioners herein i.e. Kulwinder Singh @ Kinda had filed CRM-M-41057-2015 in this Court seeking benefit of bail and such petition was disposed of in the light of order dated 23.05.2016, whereby the benefit of bail even though declined but directions were issued for conclusion of the trial within a period of 5 months. A similar view was also taken in CRM-M-2737-2016 filed by Balwant Singh @ Baboo.

The uncontroverted position as of date is that the trial has not made any progress inspite of the directions issued by this Court. Learned State counsel would submit that out of 40 prosecution witnesses cited, none has been examined till date.

Even though, the allegations against the petitioners in these two connected petitions are specific as also grave, but this Court cannot proceed unmindful of the constitutional rights of the petitioners of a expeditious trial.

Without making any observations on merits and keeping in view the length of incarceration already suffered by the petitioners i.e. almost 3 years and 9 months, they are held entitled to the benefit of bail.

Both the petitions are allowed. Petitioners be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, Barnala.

Disposed of.

16.03.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |