

**CRM-M-41828 of 2017**

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

**CRM-M-41828 of 2017  
Date of Decision: 04.12.2017**

**Balwinder Singh @ Balli**

**.....Petitioner**

**Vs.**

**State of Punjab**

**.....Respondent**

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

Present: Mr. Prateek Pandit, Advocate,  
for the petitioner.

Mr. Sandeep Mann, A.A.G., Punjab.

Mr. Jagjot Singh Lalli, Advocate, for the complainant.

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**AMOL RATTAN SINGH, J. (ORAL)**

By this petition, the petitioner seeks the concession of 'regular bail', he having been arrested on 24.03.2014, pursuant to FIR No. 32 of the same date having been registered against him and his co-accused, alleging therein the commission of offences punishable under Sections 302, 307, 324, 148 and 149 IPC.

The petitioner, Balwinder Singh @ Balli, has been attributed a '*kirch*' blow to the chest of the deceased Kuldeep Singh, with other injuries attributed to his co-accused, either on the deceased or on other persons of the complainant party.

A 'cross FIR' against the complainants in the FIR in question in the present case has also been registered, alleging therein the commission of offences punishable under Section 307 IPC along with other 'lesser offences'.

The petitioner had earlier filed CRM-M-7441 of 2017, which was dismissed by this Court on 28.04.2017, noticing therein that though the petitioner had been in custody for about 03 years, and only 06 prosecution witnesses out of 22 had been examined, since he had been attributed the fatal blow, he did not deserve to be

bailed out at that stage.

The trial Court had also been directed to ensure that the material witnesses are examined at the outset and the trial is expedited to conclude as early as possible.

Today, as per learned counsel for the petitioner and counsel for the State, only one more witness has been examined thereafter, with thus, 15 witnesses still remaining to be examined, though counsel for the complainant submits that as a matter of fact, 10 witnesses have been examined with 01 having been given up.

Be that as it may, the petitioner now having remained in custody for more than 03 years and 08 months, with the trial not progressing at the pace expected, and all material witnesses other than “official witnesses” having been examined, it is considered inappropriate to keep the petitioner in custody any longer during the pendency of the trial.

Consequently, this petition is allowed and upon the petitioner furnishing adequate bail and surety bonds to the satisfaction of the trial Court, he would be released on bail during the pendency of the trial.

The order passed earlier by this Court, directing the trial Court to expedite the trial is repeated, with it made clear that if the trial is delayed on account of the petitioner and his co-accused, or the accused in the cross-case, i.e. the complainant in the FIR in question in the present case, the opposite parties would be at liberty to take their remedies accordingly.

The trial Court shall endeavour to ensure that the trial is concluded within six months from today.

**December 04, 2017**  
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**(AMOL RATTAN SINGH)**  
**JUDGE**

Whether speaking/reasoned

Yes

Whether Reportable

No.