

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

CRM-M-43857-2017 (O&M)
Date of decision : 27.11.2017

Sushant Kumar @ Sunny

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Rishu Mahajan, Advocate for the petitioner.

Ms. Anju Arora, Addl.A.G., Punjab,
assisted by ASI Jatinder Singh.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No.260 dated 05.08.2015, registered under Sections 380, 381, 457, 436, 427 and 201 read with Section 34 of the Indian Penal Code, at P.S. Civil Lines, Amritsar City.

Learned counsel refers to Annexure P-4, zimni orders dated 12.04.2017, 06.07.2017 and 17.08.2017 to contend that no PW appeared before the trial Court, whereas, on 01.08.2017, learned APP gave up HC Avtar Singh, HC Rasal Singh and Inspector Sukhwinder Singh, being unnecessary. On 06.09.2017 and 11.10.2017, bailable warrants were issued against HC Bharat Bhushan, however, said witness did not appear. The petitioner is in custody since 15.08.2015.

On the other hand, learned State counsel, on instructions, submits that the trial is in progress and three out of twenty prosecution witnesses have already been examined.

Heard.

The petitioner is in custody since 15.08.2015. Seventeen

prosecution witnesses are still to be examined. The Court is unable to appreciate the conduct of the prosecution in view of the zimni orders, Annexure P-4, as there is total uncertainty about the conclusion of the trial. The petitioner cannot be allowed to suffer incarceration for the inaction of the prosecution.

In view of the above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned. He shall also surrender the passport, if any, held by him with the trial Court and shall not leave the country without prior permission of this Court.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

27.11.2017
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No