

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

CRM-M No.8139 of 2016 (O&M)

Date of Decision: 23.2.2017

Jagjit Singh @ Jagga

..Petitioner

Vs.

State of Punjab

..Respondent

A N D

CRM-M No.40145 of 2016

Avtar Singh

..Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR.JUSTICE AMOL RATTAN SINGH

**Present: Mr.P.S.Ahluwalia and Mr.Jagjit Singh Lalli, Advocates for the
petitioners.**

Mr.Sidakmeet Singh Sandhu, AAG Punjab.

AMOL RATTAN SINGH, J.

This petition has been filed under Section 439 Cr.P.C., for grant of 'regular bail' to the petitioner, in case FIR No.32 dated 24.3.2014, registered at Police Station Sadar Kapurthala, District Kapurthala, for the alleged commission of offences punishable under Sections 302, 307, 324, 148, 149 IPC.

Learned counsel for the petitioners submit that the petitioners have been in custody since March 2014, i.e. for about 2 years 11 months and the trial is nowhere near conclusion, largely for the reason that some of the witnesses, including injured witnesses, are involved as accused in a cross case filed by the petitioners and have been summoned on an application moved in that case under Section 319 Cr.P.C., due to which they are not appearing for fear of arrest, they allegedly not having obtained bail orders till date.

Mr.Ahluwalia, further submits that other than those who have been summoned under Section 319 Cr.P.C, other witnesses are also not appearing, even after the previous order of this Court. In support of his contention he has, during the course of the day, produced in Court orders of the trial Court dated 24.1.2017 and 14.2.2017, as downloaded from the website of the Sessions Court, Kapurthala, showing that no PW was present on either of these two dates.

He further points to the order dated 19.12.2016 passed in the present petition, bearing CRM-M No.8139 of 2016, noticing that cross examination of the star witness was fixed for 20.12.2016. Thereafter, despite two dates having gone by, the cross examination has still not been done, for the aforesaid reasons, as contended.

Learned counsel for the State, per contra submits that both the petitioners have been attributed the role of causing injuries to a deceased person and as such, they do not deserve to be admitted to bail.

Learned counsel for the complainant, other than reiterating the aforesaid, also submits that two of the co-accused of the petitioners were

declared to be proclaimed offenders, which is part of the reason for delay of the trial and as such, the petitioners do not deserve the concession of bail, at this stage.

Having considered the aforesaid arguments and looking to the fact that the petitioners have been in custody for the last almost 3 years, with the trial not seeming to be near conclusion in the near future and a cross version also stated to have been filed by the present petitioner (Avtar Singh), without commenting on the actual merits of the case, either as regards the allegations against the petitioners, or the accused in the cross-case, I deem it appropriate to admit the petitioners to bail, subject to their furnishing adequate bail and surety bonds to the satisfaction of the learned trial Court, which shall ensure that in view of the allegations against the petitioners, the bail and surety bonds are adequately high, so as to try and ensure that the petitioners do not jump bail. Preferably one surety in the case of each petitioner, would be the father or very near relative of each petitioner, as are not accused in the FIR.

The petitions stand allowed as above.

(Amol Rattan Singh)
Judge

23.2.2017
Meenu

Whether speaking/reasoned - Yes/No
Whether Reportable - Yes/No