

Sr. No.220

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-6595 of 2017 (O&M)

Date of Decision:06.03.2017

Rachpal Singh @ Kala @ Batti

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. Nandan Jindal, Advocate,
for the petitioner.

Ms. Shivali, AAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of the present petition filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner pending trial in case FIR No.03 dated 16.01.2013, under Sections 307/34 IPC and Section 25 of Arms Act, registered at Police Station Mehal Kalan, District Barnala.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Sub Inspector Baljit Singh. It is alleged that on 15.01.2013, secret information had been received as regards the present petitioner, co-accused Arshdeep Singh and two other unidentified persons being in possession of illegal weapons and seen roaming in the area of Mehal Kalan. Thereupon, a police party headed by the complainant is stated to have proceeded to the area in question whereupon an attempt was made to intercept a white coloured car and in which the present petitioner and other co-accused were allegedly travelling.

Complainant has alleged that instead of stopping the car, an attempt was

made to over run the police party and who saved themselves by jumping to

one side.

Learned counsel would argue that it is a case of no injury. Even the make or registration of the car has not been furnished.

Petitioner has been in custody since January, 2013.

The trial has not made much progress as out of 15 prosecution witnesses, only 5 have been examined till date.

Even though learned State counsel would oppose the present petition vehemently by contending that the petitioner is a habitual offender but Mr. Jindal, counsel appearing for the petitioner would meet such objections by adverting to ten judgments of acquittal that the petitioner has earned.

In the totality of the circumstances, without making any observations on merits and particularly in view of the length of incarceration already suffered i.e. more than four years as of date, petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, Barnala.

Disposed of.

06.03.2017

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No