

CRM-M-12735-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12735-2018

Date of Decision: 3rd April, 2018

Janamdeep Singh @ Mohandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Gurbachan Singh Bhatia, Advocate,
for the petitioner.

Mr. Kuldeep Singh, Sr. DAG, Punjab.

AUGUSTINE GEORGE MASI, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.477, dated 27.10.2013, registered at Police Station Tripuri, District Patiala, under Sections 302 and 34 of the Indian Penal Code, in which, he was arrested on 27.10.2013 and since then, he is in custody.

It is the contention of the learned counsel for the petitioner that the petitioner is languishing in jail virtually without any trial as an application under Section 319 of the Code of Criminal Procedure, which was moved by the prosecution, has now been allowed by the trial Court on 22.09.2017, result whereof is that the trial is to start *de novo*. He contends

that out of the total 22 prosecution witnesses, only one witness has been examined till date. He, therefore, submits that the trial is not likely to conclude in near future and in any case, keeping in view the length of his custody period, the petitioner be granted the concession of regular bail.

On the other hand, counsel for the State has argued that the petitioner is the husband of deceased-Kamaljeet Kaur and as per the medical evidence, the death was caused due to manual strangulation. Petitioner has also been found present at the spot when the offence was committed, which fact is disputed by the counsel for the petitioner. He, on instructions from ASI Jasinder Singh, P.S. Anaj Mandi, District Patiala, states that charges have been framed on 12.02.2018 against all the accused and out of the total 22 prosecution witnesses, one witness has been examined till date. He, however, states that the petitioner having been involved in the heinous crime, should not be granted the concession of bail.

Keeping in view the fact that that the petitioner is in custody for more than 4 years and 4 months and the trial is virtually at the beginning stage and in the light of the fact that out of total 22 prosecution witness, only one has been examined as also the delay in trial cannot be attributed to the petitioner as the application under Section 319 of the Code of Criminal Procedure has been allowed by the trial Court in September, 2017, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

Any observation made herein-above shall have no bearing on

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the merits of the case during the trial in any manner.

3rd April, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No