

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

205

CRM-M-15621-2018

Date of Decision: April 24, 2018

Om Parkash

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr.Ashok Kumar Sama, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Sudhir Mittal, J. (Oral)

The petitioner-Om Parkash son of Nand Lal, seeks grant of regular bail in case FIR No.79, dated 15.07.2014, under sections 302/34 IPC, registered at Police Station Sadar Abohar, District Fazilka.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 16.07.2014. The investigation is complete and the challan has been presented. However, only four prosecution witnesses out of seventeen have been examined till date. No other criminal case is pending against the petitioner and thus he deserves to be granted regular bail.

3. Learned State counsel submits that a heinous offence has been committed by the petitioner and that the trial can be expedited because only thirteen witnesses remain to be examined. Regarding the delay in trial, it is submitted that the

complainant had moved an application under section 319 Cr.P.C. but the same was rejected by the learned trial Court. A revision petition was preferred against the same and this Court had stayed further proceedings before the trial Court resulting in the delay. Now, that revision has ultimately been dismissed and the trial has recommenced.

4. Custody certificate, dated 23.04.2018, issued by Sh. Ajmer Singh, Superintendent, Central Jail, Ferozepur, has been filed in Court today and the same is taken on record. According to this certificate, the petitioner has undergone actual custody of three years, nine month and six days and that there is no other case pending or decided against him.

5. The offence alleged to have been committed by the petitioner is serious in nature but keeping in view the fact that the petitioner has already suffered long incarceration and the conclusion of trial may take some time, I deem it just and appropriate to allow this petition and release the petitioner on regular bail during the pendency of trial.

6. Thus, the petition is allowed. Petitioner- Om Parkash son of Sh. Nand Lal, is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of learned trial Court concerned at Fazilka.

April 24, 2018
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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No