

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

CRM -M-1878 of 2018 (O&M)

Date of decision: 20.02.2018

Gurdev Singh @ Debo

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Ram Bilas Gupta, Advocate for the petitioner(s).

Ms. Sudeepti Sharma, Addl. A.G., Punjab
assisted by ASI Laljeet Singh.

Jitendra Chauhan, J. (Oral)

By filing the present petition, under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No. 73 dated 20.04.2014, registered under Sections 302, 307, 323 and 148 read with Section 149 of IPC, at Police Station Sadar Jalalabad, District Fazilka.

Learned counsel for the petitioner contends that despite the order dated 14.03.2017, passed in CRM-M-5780-2017, the trial has not been concluded so far. The complainant has not come forward to depose in support of the prosecution despiteailable warrants issued against him by the trial Court on 12.05.2016.

On the other hand, the learned State counsel opposes the bail

application, however, she duly acknowledges the assertion raised on behalf of the petitioner.

Heard.

In CRM-M-5780-2017, the trial Court was directed to conclude the trial expeditiously. From the zimni orders, it emerges that the complainant, Satpal is not repeatedly appearing before the trial Court despite issuance ofailable warrants. Out of total 18 PWs, only one PW has been examined so far. The deceased was allegedly taken away from his residence by four persons including the petitioner on 15.04.2014. The FIR came to be registered on 20.04.2014 which was subsequently converted into Section 302 of IPC. The petitioner is in custody since 11.05.2014. Considering the long incarceration and the fact that the prosecution witnesses have not come forward to support the case, the Court feels that the petitioner cannot be kept in indefinite incarceration. Even the order passed by this Court to conclude the trial expeditiously stand curtailed by the conduct of the complainant, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds to the satisfaction of CJM/Duty Magistrate/trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

20.02.2018

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No