

CRM-M-20431-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20431-2018

Date of Decision: 23rd May, 2018

Hardeep Singh @ Deepa

...Petitioner

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Amritpal Singh Gill, Advocate,
for the petitioner.

Mr. Kuldeep Singh, Sr. DAG, Punjab.

AUGUSTINE GEORGE MASIH, 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.120, dated 20.08.2009, registered at Police Station Nurmahal, District Jalandhar, under Sections 307, 326, 324, 325, 506, 201, 148 and 149 of the Indian Penal Code.

It is the contention of the learned counsel for the petitioner that although the petitioner has been named in the FIR but no injury has been attributed to him. He contends that at the most, what can be detected from the FIR is that the petitioner was armed with *datar* and had given *lalkara*. He, therefore, contends that the petitioner, who is in custody since the date of his arrest i.e. 23.12.2017, may be granted the concession of regular bail as the trial is not likely to conclude in near future.

On the other hand, counsel for the State, on instructions from HC Paramjit Singh, P.S. Goraya, District Jalandhar, submits that the petitioner was declared a proclaimed offender on 17.11.2009 and it is thereafter, the petitioner arrested in December, 2017.

To this submission of the counsel for the State, counsel for the petitioner explains that the petitioner was on a work permit in UAE and he had gone to the said country on 20.08.2009, which is the date when the FIR in question was registered. He contends that the petitioner has been falsely implicated in this case.

Counsel for the State further informs the Court that till date, although the supplementary challan has been presented against the petitioner but no prosecution witness has been examined out of total 21 prosecution witnesses.

In view of the above facts and circumstances of the case and keeping in view the fact that the petitioner has not been attributed any overt injury in the FIR and he is in custody since December, 2017, with the fact that the trial is not likely to conclude in near future as not even a single prosecution witness has been examined till date, this criminal miscellaneous 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.

It would be open to the trial Court to impose any stringent condition(s) upon the petitioner including the surrender of the passport in the trial Court as a pre-condition to grant him the bail.

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Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

23rd May, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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