

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-33074 of 2017
Date of Decision: 18.05.2018

Jasbir Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. G.K. Mann, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.15 dated 23.02.2014 registered for offences punishable under Sections 307/323/324/427/506/382/148/149 of Indian Penal Code (for short, "IPC") and 25/27 of the Arms Act, at Police Station Goindwal, District Tarn Taran.

Heard.

The petitioner was arrested in this case on 08.07.2016. As per status report filed by the police, challan was presented in Court on 21.10.2016 but no further proceedings could take place as the petitioner was not produced in Court till 17.02.2018. On production of petitioner in Court on 17.02.2018, copy of charge-sheet was supplied to him and thereafter, case was fixed for framing of charge for want of appearance of other accused.

Learned State counsel on instructions from ASI Charanjit Singh

submits that in all there are seven accused, who all are lodged in different

jails and are not being produced in Court.

It has been found that in a number of such cases, the accused are in custody for a long period and are not being produced in Court for one reason or the other. This Court was apprised in CRM-M-3733-2017 decided on 21.08.2017 that Government of Punjab has set up a Monitoring Committee comprising of Director General of Police/Addl. Director General of Police (Law & Order) and Inspector General of Police (Prisons) and certain guidelines were issued to Senior Superintendents of Police/Commissioners of Police and Superintendents of Prisons. It appears that no effective steps have been taken by the Monitoring Committee.

Keeping in the view the fact that even after 22 months of arrest of the petitioner, charges have not been framed against him as other co-accused are not being produced in Court; that going by this speed, prosecution will take a long time to conclude recording of evidence and nature of offence but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Jasbir Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the

petitioner shall have to apply for bail afresh.

- (c) He shall not leave the country without the previous permission of the Court.

Such matters will be taken up on 31.05.2018. File of this case be kept for reference on 31.05.2018.

May 18, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No