

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

CRM-M-36829-2017 (O&M)
Date of decision : 05.04.2018

Shehbaz Singh @ Shahu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. R.S. Mamli, Advocate,
for the petitioner.

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

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No.34 dated 06.03.2014, registered under Sections 302, 482, 120-B and 148 read with Section 149 of the Indian Penal Code and Sections 25 and 27 of the Arms Act, at P.S. Model Town, Hoshiarpur.

This is the fifth bail petition moved by the petitioner under Section 439 Cr.P.C.

Contentends that the petitioner is not named in the FIR. The trial is not progressing as the prosecution has been seeking adjournments on one ground or the other as reflected in the zimni orders (Annexure P-6). Further states that the petitioner has been implicated on the basis of confessional

statement (Annexure P-5) that he had made phone call to co-accused. Beyond the recovery of a mobile phone, there is no material on record to connect the petitioner with the alleged crime. The nodal officer from the telecom company was examined as PW10, who has deposed that the mobile phone number in question was issued in the name of one Baljit Kaur w/o Iqbal Singh. The petitioner is not involved in any other FIR. He is in custody since 17.04.2014.

Learned State counsel, on instructions, states that the petitioner has specifically admitted his role in the confessional statement (Annexure P-5). The trial is in progress and out of 34 prosecution witnesses, 7 have already been examined. However, she fairly admits that the petitioner is not involved in any other case.

Heard.

The Court is conscious of the fact that this is the fifth bail petition moved by the petitioner. A perusal of the zimni orders (Annexure P-6) suggests that the trial is not progressing largely on the ground that the State is not producing the witnesses and the accused before the trial Court. Out of 34 prosecution witnesses, only 7 have been examined so far and thus, the conclusion of trial is likely to take considerable time. The petitioner is in custody since 17.04.2014. The long incarceration largely attributable to the inaction of the State, as reflected in Annexure P-6 and the examination-in-chief of the complainant are fresh circumstances, at this stage, in favour of the petitioner. Therefore, this Court feels that no useful purpose would be achieved in keeping the petitioner under further incarceration.

Keeping in view the above, without adverting to the merits of

the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

05.04.2018
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No