

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

CRM-M No.44855 of 2017 (O&M)

Decided on: 11.10.2018

Daljit Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Sourabh Arora, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.201 dated 18.11.2015, for offence punishable under Sections 382, 379-B read with Section 34 of the Indian Penal Code (in short 'IPC'), registered at Police Station E-Division, District Amritsar City.

Counsel for the petitioner has submitted that though on 07.02.2018, it was stated by the Investigating Officer that the case is fixed for recording the statement of the complainant, however, till date no prosecution witness has been examined. It is further submitted that the petitioner is in custody since 25.12.2015 and the case is now fixed for re-framing of the charge as 02 of the co-accused of the petitioner were declared proclaimed offender and later on, supplementary challan has been presented against them and, therefore, the trial has been

delayed.

Counsel for the State, on instructions from SI Yadvinder Singh, has opposed the prayer for bail on the ground that 02 of the co-accused namely Wazir Singh and Satnam Singh were declared proclaimed offender and thereafter, Wazir Singh was arrested on 19.04.2018 whereas Satnam Singh was arrested on 01.05.2018.

Counsel for the State has also filed the Custody Certificate and has submitted that the petitioner is involved in other FIRs pertaining to different Police Station in District Amritsar.

In reply, counsel for the petitioner has submitted that all the FIRs pertain to the year 2015 and the petitioner has not been convicted in any of the FIR, so far. Counsel for the petitioner has, thus, prayed that since conclusion of the trial will take long time as the petitioner is in custody for the last about 02 years, 09 months and 15 days, the petitioner be released on bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in long custody i.e. 02 years, 09 months and 15 days and also in view of the fact that no prosecution witness has yet been examined as 02 of the co-accused of the petitioner were declared as proclaimed offender during the intervening period and thus, the trial was delayed and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail bonds and 02 heavy sureties in the like amount, to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate.

However, it will be open for the prosecution to apply for

cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

11.10.2018

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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No