

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

CRM-M-920-2018 (O&M)
Date of decision : 25.01.2018

Lucky @ Kala

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

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

Ms. Sudeepti Sharma, Addl.A.G., Punjab
assisted by HC Gopal Singh.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No.260 dated 05.08.2015, registered under Sections 380, 457, 436, 427 and 201 read with Section 34 of the Indian Penal Code, at P.S. Civil Lines, Amritsar.

Contents that the petitioner has been falsely implicated in the instant case. The main accused, namely, Sushant Kumar @ Sunny, on whose disclosure statement, the petitioner has been roped in, as well as similarly placed co-accused, Avtar Singh, have already been admitted to bail by this Court. The petitioner is not involved in any other FIR. He is in custody since 26.10.2015.

On the other hand, learned State counsel, on instructions, submits that the trial is in progress and out of 20 prosecution witnesses, 3 have already been examined.

Heard.

A perusal of order dated 27.11.2017, passed in CRM-M-43857-

2017, filed on behalf of co-accused Sushant Kumar @ Sunny, it has been

noticed that no PW appeared before the trial Court on 12.04.2017, 06.07.2017 and 17.08.2017, whereas, on 01.08.2017, learned APP gave up HC Avtar Singh, HC Rasal Singh and Inspector Sukhwinder Singh, being unnecessary. On 06.09.2017 and 11.10.2017, HC Bharat Bhushan did not appear despiteailable warrants having been issued against him. Learned State counsel initially stated that said HC Bharat Bhushan has not still been examined, however, thereafter, it is pleaded that she does not have the necessary information.

The petitioner is in custody since 26.10.2015. The prosecution witnesses are not coming forward, therefore, total uncertainty has descended on the fate of the trial. Out of 20 prosecution witnesses, only 3 have been examined as on date. Therefore, this Court feels that the petitioner cannot be kept in custody indefinitely.

In view of the above, without advertng 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 and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned. The petitioner shall also surrender his passport, if any, held by him, with the trial Court and shall not leave the country without prior permission of this Court.

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

25.01.2018

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(JITENDRA CHAUHAN)

JUDGE

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