

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

CRM-M No.9762 of 2018

Date of decision : 10.05.2018

Dharamjot Singh

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. P. S. Poonia, Advocate for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

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DAYA CHAUDHARY, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.15 dated 15.02.2015 under Sections 302/307/34 IPC and Section 25 of Arms Act (Section 27 of Arms Act was added later on), registered at Police Station – Qila Lal Singh, Police Distt. Batala.

Learned counsel for the petitioner submits that as per the FSL report, the petitioner cannot be connected with the offence. The occurrence had taken place in sudden provocation and it was not a case of murder on the face of record. There was no previous enmity between the petitioner and the complainant party and there was no motive to commit murder. Learned counsel further submits that during investigation, co-accused Kuldeep Singh alias Kuljit Singh was found innocent and he was kept in column No.2 at

the time of filing the challan. Subsequently, an application was moved under Section 319 Cr.P.C. for summoning of the accused and accused Kuldeep Singh alias Kuljit Singh has been summoned vide order dated 24.10.2016. Learned counsel also submits that there is no progress in the trial and petitioner has undergone custody of about three years and three months. Learned counsel further submits that although the custody is about three years and three months but the earlier application, which was moved for interim bail on medical ground, was dismissed as withdrawn on 03.11.2017.

The trial is prolonging without any sufficient reason and because of summoning of co-accused under Section 319 Cr.P.C. Though the period of custody is relevant factor but by considering the fact that delay is there in the trial, no ground is made out to grant regular bail to the petitioner at this stage and the present petition is accordingly dismissed.

However, the trial Court is directed to make all efforts to proceed with the speedy trial by considering the custody period of the petitioner of about three years and three months.

Petitioner is also granted liberty to move fresh application for regular bail after a period of six weeks, in case of further delay in trial.

10.05.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No