

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

CRM-M-9508 of 2019
Date of Decision: 25.09.2019

Manjit Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ruhani Chadha, Advocate
for the petitioner.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

Ms. Lakshaya, Advocate for
Mr. Rishu Mahajan, Advocate
for the complainant.

MAHABIR SINGH SINDHU, J.(Oral)

Present petition has been filed under Section 439 Cr.P.C.
seeking bail pending trial in case FIR No. 109 dated 21.06.2018,
under Section 306 of the Indian Penal Code and Section 13 of the
Punjab Travellor Professional Regulation Act, 2012, registered at
Police Station Division No.5, District Jalandhar.

Learned counsel for the petitioner contends that the
petitioner is in custody since 03.12.2018 and after investigation in the
matter report under Section 173 Cr.P.C. has already been submitted
and charges were also framed on 28.03.2019. Further contends that
there are total 15 prosecution witnesses, but only one has been
examined till date. It is vehemently contended that specific

undertaking was given before this Court on 28.05.2019, but despite that testimony of the complainant has not been concluded.

Learned State counsel has opposed the bail and submits that examination in chief of the complainant has been recorded in part on 17.09.2019 and now the trial is pending for 27.09.2019. Learned counsel for the complainant has also opposed the bail that there are serious allegations against the petitioner.

Heard learned counsel for the parties and perused the paper book.

This Court on 28.05.2019, passed the following order:

'Upon request made on behalf of the petitioner, matter is adjourned to 25.09.2019.

Learned counsel for the petitioner has informed that till date only one witness out of the cited 15 witnesses has been examined.

Learned counsel for the complainant has submitted that he shall ensure the presence of the complainant on the next date fixed so that his statement is recorded positively on the next date.'

The case was fixed before learned trial Court on 06.06.2019, but the complainant did not turn up. Again on 17.07.2019 only one prosecution witness was examined, thereafter on 05.08.2019 also, no prosecution witness was examined. It seems that the trial is unnecessarily being delayed just to prolong the custody of the petitioner.

Concededly, the petitioner is in custody since 03.12.2018, the report under Section 173 Cr.P.C. has already been submitted and there are total 15 prosecution witnesses, but only one has been examined till date. Since the trial is likely to take a long time to be concluded and as such no useful purpose would be served by keeping the petitioner behind the bars any more.

In view of the abovesaid circumstances, without expressing any opinion on the merits of the case, this petition is allowed. Petitioner-Manjit Singh be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, it is made clear that above observations may not be construed as an expression of opinion on the merit of the case pending before learned trial Court.

[MAHABIR SINGH SINDHU]
JUDGE

September 25, 2019

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Whether speaking/reasoned
Whether reportable?

Yes/no
Yes/no