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

CRM-M-12340 of 2019

Date of decision: May 17, 2019

Satpal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Salil Dev Singh Bali, Advocate for the petitioner.

Mr. C.L. Pawar, Senior DAG Punjab.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail to the petitioner, in FIR No.96 dated 08.10.2018, under Sections 307, 323, 447, 148, 149, 120-B of the Indian Penal Code, 1860 (for short 'IPC') and Sections 25/27 of Arms Act, 1959, registered at Police Station Mallanwala, District Ferozepur.

It is contended by the learned counsel for the petitioner that petitioner is in custody since 08.10.2018 and after investigation in the matter, challan was presented on 05.01.2019; and thereafter, charges were framed on 12.03.2019. It is further contended that now the next date fixed for the trial Court is 27.05.2019 and there are 12 prosecution witnesses, but none has been examined till date.

The above factual position is duly acknowledged by the learned State counsel, on instructions from the police official who is present in Court to assist him.

On the last date of hearing, following order was passed by this

Court:-

“On instructions from the police official, who is present in Court learned State counsel has apprised the Court that the trial is pending for 03.05.2019 and complainant-Balbir Singh has been summoned.

Adjourned to 17.05.2019.

However, learned trial Court is directed to conclude the testimony of the complainant-Balbir Singh on the date fixed.”

Today, learned counsel for the petitioner has apprised this Court that none of the prosecution witness was produced before the learned trial Court, on 03.05.2019 and the trial is unnecessarily being delayed. Since investigation is already over, the petitioner is in custody since 08.10.2018 and concededly, no injury has been attributed to him, his further incarceration will not serve any useful purpose.

As a result thereof, this petition is allowed. The petitioner is ordered to be released on bail, in this case, on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

However, it is clarified that petitioner shall fully co-operate with learned trial Court without seeking any unnecessary adjournments.

(MAHABIR SINGH SINDHU)
JUDGE

May 17, 2019

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Whether speaking/ reasoned: **Yes**

Whether Reportable: **Yes**