

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

205

**C.R.M No.1960 of 2019 in/and
C.R.M-M No.23438 of 2018
Date of Decision : 23.01.2019**

Sukhjinder Singh

..... Petitioner

versus

State of Punjab

..... Respondent

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. J.S. Thakur, Advocate
for the applicant-petitioner.

Mr. Ramandeep Sandhu, Sr. D.A.G., Punjab.

AJAY TEWARI, J. (ORAL)

CRM-1960-2019

For the reasons recorded, the application is allowed.

Documents are taken on record.

CRM-M-23438-2018

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.2 dated 07.01.2018 registered under Sections 341, 323, 506, 427 IPC and Sections 379-B, 411 IPC (added later on) at P.S. Sadar Phagwara, District Police Kapurthala.

Custody certificate filed in Court dated 22.01.2019 by way of affidavit of Kulwant Singh Sidhu, PPS, Deputy Superintendent, Central Jail, Kapurthala is taken on record. As per the custody certificate, the petitioner has been in custody for the last 10 months in this case.

Short affidavit filed on behalf of the State by way of affidavit of Sandeep Kumar Malik, I.P.S., Assistant Superintendent of Police, Sub Division, Phagwara, District Kapurthala showing the antecedents of the petitioner is taken on record.

Counsel for the petitioner has argued that the petitioner has been in custody for the last 10 months in the present case and despite the fact that charges were framed 4½ months ago, not a single witness has been appeared. Further as per the counsel, two of the witnesses are in Canada and nobody knows when they will turned up to give their evidence.

On instructions from Inspector Shiv Kanwal Singh, P.S. Sadar Phagwaram, the learned Deputy Advocate General has accepted that out of 3 witnesses/injured 2 are in Canada but has stated that the case is now fixed for 05.02.2019 and on that date the eye witness who is residing in India will definitely be examined.

Keeping in view the entire conspectus of facts and the period of incarceration already suffered by the petitioner, without going into the merits of the case, I deem it appropriate to direct the trial Court to release the petitioner on bail to its satisfaction on 05.02.2019. Ordered accordingly.

Petition stands disposed of.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

(**AJAY TEWARI**)
JUDGE

January 23, 2019
ashish

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No