

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

DATE OF DECISION : 21st NOVEMBER, 2019

CRM-M No.19253 of 2019 (O&M)
Sajjan @ Katta **Petitioner**
Versus

State of Punjab **Respondent**

CRM-M No.32620 of 2019 (O&M)
Bhupinder Singh @ Sonu @ Kangla **Petitioner**
Versus

State of Punjab **Respondent**

CRM-M No.39563 of 2019 (O&M)
Darshan Singh @ Rajan @ Khan **Petitioner**
Versus

State of Punjab **Respondent**

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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

Mr. Nandan Jindal, Advocate
for petitioner-Bhupinder Singh.

Mr. Dilpreet Singh Gandhi, Advocate
for petitioner-Darshan Singh.

Mrs. Amarjit Kaur Khurana, DAG, Punjab.

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RAJBIR SEHRAWAT, J. (Oral)

The present petitions have been filed by the petitioners
under Section 439 Cr.P.C for grant of bail pending trial in case FIR

No.110 dated 30.04.2016 registered under Sections 302, 364, 201, 148, 149 & 120-B and Section 25 Arms Act (Sections 27, 54 & 59 of the Arms Act, added later on) at Police Station Sultanwind, District Amritsar Commisionerate.

Counsel for the petitioners have submitted that the petitioners, namely Sajjan @ Katta, Bhupinder Singh @ Sonu @ Kangla & Darshan Singh @ Rajan @ Khan are in custody since 21.07.2016, May, 2016 and 03.06.2016 respectively. While referring to the earlier order dated 09.04.2019 passed by this court in CRM-M No.17357 of 2017 and other cases, vide which the co-accused of the petitioners were granted bail, counsel for the petitioners have pointed out that the prosecution is deliberately not taking any effective action in the trial. Therefore, despite passing of three and half years, even the charge has not been framed so far. It was also noted in the above said order that as per the report sent by the trial court, the State was not even producing all the accused before the court to ensure that the trial court could proceed further, even to frame the charge. Even today the situation happens to be the same. No charge has been framed so far.

On the other hand, counsel for the State, being instructed by ASI Joginder Singh, has not disputed the fact that the petitioners are in custody since 21.07.2016, May, 2016 and 03.06.2016 respectively and that the charge has not been framed even now. It is not denied that for more than 3½ years of incarceration of the petitioners, no effective proceedings have been undertaken against them.

In view of the above, this court does not find any ground, whatsoever, which could justify any more incarceration of the petitioners. Accordingly, it is ordered that the petitioners be released on bail pending trial on their furnishing bail bonds/sureties to the satisfaction of the concerned trial Court/Duty Magistrate.

Petitions are allowed.

21st NOVEMBER, 2019
'raj'

(RAJBIR SEHRAWAT)
JUDGE

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