

Akul @ Khatri

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Vaibhav Narang, Advocate for the petitioner

Ms. Samina Dhir, DAG Punjab

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Sudhir Mittal, J. (Oral)

This is the second petition filed on behalf of the petitioner for grant of regular bail in case FIR No. 127 dated 10.08.2016, registered at Police Station Sadar Tarn Taran, District Tarn Taran under Sections 364, 302, 148, 149 IPC and Section 25 of Arms Act, 1959 (Sections 115, 216, 216-A, 120-B and 473 IPC added lateron).

Learned counsel for the petitioner submits that earlier bail petition was dismissed on 12.03.2018 but thereafter co-accused Ranjodh Singh @ Sunny Yahma, whose role is identical to that of the petitioner, has been granted regular bail vide order dated 22.10.2018 passed in CRM-M-16975-2018. Moreover, the petitioner has been in custody for over 2 ½ years as on date and the case has not yet been committed to the Court of Sessions. Thus, the trial will take long time, therefore, the petitioner deserves to be granted bail.

The prayer is opposed by learned State counsel, who submits that the petitioner is not identically situated as Ranjodh Singh @ Sunny Yahma. The witness namely Bagga Khan has attributed to the petitioner the role of calling up said Bagga Khan, deceased Dilbagh Singh as well as Bobby Malhotra. These persons belonged to an opposing gang and the petitioner wanted to eliminate all of them. No such attribution has been made regarding Ranjodh Singh @ Sunny

Yahma and, thus, it is incorrect to say that the role of the petitioner is identical to that of Ranjodh Singh @ Sunny Yahma. Moreover, it is incorrect to say that the case has not yet been committed. The charges have been framed and it is now fixed for 11.07.2019 for PWs. The petitioner is dreaded criminal as is evident from the custody certificate dated 29.05.2019, which has been filed in the Court and is taken on record. Thus, the petitioner does not deserve the concession of regular bail.

It can not be disputed that the petitioner has been in custody for 2 years, 8 months and 6 days, as is evident from the custody certificate. However, the same custody certificate also reveals that there are large number of other criminal cases pending against the petitioner which are all of serious nature. Perusal of the record also reveals that witness Bagga Khan has attributed a specific role to the petitioner and, thus, it is incorrect to say that the petitioner is identically situated as Ranjodh Singh @ Sunny Yahma.

In view of the above, the petition has no merit and is dismissed. However, anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

A quick and fair trial is one of the rights guaranteed to accused persons. In this case, the trial has been inordinately delayed as examination of prosecution witnesses has not yet commenced. The concerned trial Court is, thus, directed to complete the prosecution evidence within six months from the date of receipt of certified copy of this order and conclude the trial within three months thereafter. If there is any difficulty in procuring the witnesses or the accused persons, a reference can be made to this Court at any time.

July 04, 2019
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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No