

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M-4749 of 2020

Date of Decision: December 03, 2020

Balbir Singh @ Mintu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Harchand Singh Bath, Advocate &
Mr. Kunal Vinayak, Advocate,
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.112 dated 28.07.2007, under Sections 452, 316, 148 and 149 IPC, 1860, registered at Police Station, Chheharta, District Amritsar. The petitioner is in custody since his arrest on 17.10.2018.

The FIR was registered on the statement of complainant Kuldeep Kaur on the allegations that she is a house lady and about two years back, she got married to Sukhwant Singh. On 11.7.2017 they had a dispute with Phuman Singh, Manga Singh and Jyoti sons of Avtar Singh. Through the intervention of respectables the matter was compromised in writing. On 24.7.2017 at about 8.30 p.m., she alongwith her husband Sukhwant Singh, mother-in-law Gurmeet Kaur and father-in-law Surinder Singh were present in their house, then petitioner alongwith his co-accused

entered in their house and caused injuries. The complainant was carrying pregnancy of two months at the time of incident. On the next morning her mother-in-law arranged for the vehicle and took her to the hospital and due to beating, the complainant suffered miscarriage. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that previously application for grant of regular bail was dismissed by this Court on 27.09.2019 with the observation that the trial be concluded by December, 2019. According to him, only two prosecution witnesses have been examined so far, whereas the co-accused of the petitioner have already been convicted and have been awarded a sentence of four years. It is pointed out that the petitioner is in custody for the last two years and the trial is likely to consume considerable time to conclude, therefore, the further custody of the petitioner may not be necessary. He prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, who is assisted by SI Sarwan Singh, on the ground that the petitioner remained absent from the trial for a long period of ten years and was arrested in October, 2018. He submits that the petitioner was arrested in FIR No.69 of 2014 for the offences punishable under Sections 21 and 22 N.D.P.S.Act, 1985, Police Station, Mehta, Amritsar and at that stage, he was again arrested in the present case as well. However, it is not disputed by him that only two prosecution witnesses have been examined out of total thirteen witnesses.

Considering the above background, custody of the petitioner and the fact that the trial is likely to consume considerable time to conclude in the wake of outbreak of pandemic COVID-19 in the region, this Court

does not find any ground to decline the prayer. The petitioner is presently confined in judicial custody since 17.10.2018 and his further detention may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Amritsar.

December 03, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No