

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

(Heard through VC)

CRM-M-6884 of 2020 (O&M)
Date of Decision: September 08, 2020

Gourav Kumar @ Gori

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vikas Gupta, Advocate
for the petitioner.

Ms. Monika Jalota, DAG Punjab.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.305 dated 21.07.2009, under Sections 307, 148, 149 of Indian Penal Code, registered at Police Station Sadar Amritsar.

Learned counsel for the petitioner herein would contend that the petitioner was initially granted regular bail, but due to the fact that he remained absent, he was declared as proclaimed offender by the court on 16.03.2015. Thereafter, he was again arrested by the police on 04.01.2017 and he is in judicial custody since then. It is argued that co-accused was convicted for a period of 02 years by the Addl. Sessions Judge, Amritsar on 30.03.2015 whereas, the custody of the petitioner after his re-arrest is more

than two years, as such, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the allegations against the petitioner are serious in nature. However, she is not able to controvert the factual position that the challan was presented as far back as 25.10.2017.

I have heard learned counsel for the parties.

In view of the facts that the petitioner herein has been in custody since 04.01.2017 after his re-arrest and that due to Covid-19 pandemic, the courts are not working at their full strength, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

However, let this court be informed as to why there is an inordinate delay in committing the matter to the Sessions Court by the court of Illaqa Magistrate. Let a report be furnished to this court in this regard.

Put up on 22.12.2020 for awaiting the report.

September 08, 2020

vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No