

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

CRM-M-13523-2020

Date of Decision: 15.06.2020

Baljinder Singh and others

.....Petitioners

Vs.

State of Punjab

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Joginder Pal Devgan, Advocate,
for the petitioners.

Mr. Bhupinder Beniwal, A.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

This petition has been filed under the provisions of Section 439 of the Cr.P.C. for grant of 'regular bail' to the petitioners in case FIR no. 50, dated 03.06.2017, registered at Police Station Khalra, Tehsil Patti, District Tarn Taran, for the alleged commission of offences punishable under Sections 302, 148 and 149 of the IPC.

On 12.06.2020, the following order had been passed:-

*“All cases listed today have been taken up
for hearing by way of video conferencing because of the
situation existing due to the COVID-19 pandemic.*

Learned counsel for the petitioners submits

that the petitioners have been in custody for more than 3 years now with only 6 prosecution witnesses out of 17 having been examined so far, three of those witnesses being the complainant, an eye witness and the father of the deceased.

He submits that the complainant and the eye witness have turned hostile and further, even the Investigating Officer has already been examined. The remaining witnesses, as per learned counsel, are only police officials, doctors and a draftsman.

Learned State counsel expresses ignorance as to who the remaining witnesses are.

Adjourned to 15.06.2020.

The State counsel would take positive instructions with regard to who the remaining witnesses are and in all cases he would take specific instructions in each case (unrelatable to this case) as per the status of each trial from the Investigating Officer concerned, or if the Investigating Officer is uncooperative, from the SSP concerned positively.”

Today, learned State counsel, on instructions, submits that 06 prosecution witnesses had in fact already been examined, all of whom are material witnesses, with the complainant and one other witness having turned hostile, and that the remaining witnesses are only now police officials and a draftman etc.

He also does not deny (on instructions) that all the petitioners have been in custody for more than 03 years now.

Keeping in view the above, without making any comment on the actual merits of the case, which would naturally be gone into by the trial court wholly as per the evidence led before it, this petition is allowed. The petitioners shall be admitted to bail upon their furnishing adequate bail bonds and surety

bonds to the satisfaction of the learned trial court/Chief Judicial Magistrate/Duty Magistrate concerned.

June 15, 2020
nitin/dinesh

(AMOL RATTAN SINGH)
JUDGE
Yes
No.

Whether speaking/reasoned
Whether Reportable