

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

CRM-M-13819-2020 (O&M)

Date of Decision: August 28, 2020

Gurbir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amit Arora, Advocate,
for the petitioner.

Mr. P.S.Walia, AAG, 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.159 dated 26.12.2018 under Sections 307, 148, 149 IPC and Section 25 Arms Act, registered at Police Station, Maqboolpura, , District Amritsar.

On 16.07.2020, the following order was 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.

Pursuant to the order dated 16.06.2020, learned counsel for the petitioner submits that as regards the case registered against the petitioner for the commission of an offence punishable under Section 302 of the IPC, he has been acquitted and as regards the other two cases registered, both are for the alleged commission of an offence punishable under Section 379-A of that Code and he has been admitted to bail in each case.

He further submits that the petitioner has been in custody now since December, 2018, with even the charge not

framed so far.

Upon query, learned State counsel could not deny either the period of custody or the fact that even the charge has not been framed, though the report under Section 173 Cr.P.C. was submitted in April, 2019 .

Consequently, in view of the above, without making any comment on the actual merits of the case, the petitioner is ordered to be admitted to interim bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the trial court/Duty Magistrate concerned, till the next date of hearing before this court.

Adjourned to 28.08.2020.

The trial court is directed to send a report to this court as to why, when the 'challan' had been submitted almost one year prior to the current pandemic, even the charge has not been framed so far. ”|

Pursuant to the above directions given by this Court, report dated 17.08.2020 has been received from the Additional Sessions Judge, Amritsar explaining the reasons for delay in framing the charges. A perusal of the report reveals that the explanation offered is justified and, therefore, no further orders are called for in this regard.

Since the investigation of the case is complete, therefore, the further custody of the petitioner may not be necessary, resultantly the order dated 16.07.2020 is made absolute and the petitioner is permitted to remain on the same bail bonds and surety bonds furnished by him pursuant to the order of interim regular bail.

The petition is allowed.

August 28, 2020
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(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No