

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

CRM-M No.14289 of 2020 (O&M)

Date of Decision : 02.07.2020

Harlaj Singh @ Tinku

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. G.S. Kaura, Advocate
for the Petitioner.

Mr. Pawan Sharda, Sr. Dy. Advocate General, Punjab
for the Respondent/State.

SUDIP AHLUWALIA, J. (ORAL)

CRM No.13598 of 2020

For the reasons mentioned in the application, the Applicant/
Petitioner is permitted to place on record the documents (Annexures P-8 to
P-24), subject to all just exceptions.

Application stands disposed off.

CRM-M No.14289 of 2020

This is an Application seeking Regular Bail to the Petitioner,
who has remained in detention as an under Trial prisoner since 25th May,
2015 in a Case being FIR No.207 dated 25th May, 2015 under Sections
307/149/ 148 of the Indian Penal Code 1860 and Sections 25/27/54/59 of
the Arms Act, 1959 (offence under Section 302 IPC added later on)
registered at Police Station A-Division Amritsar, District Amritsar. The
matter had first come up for consideration before this Court earlier on 11th
June, 2020.

2. It was submitted by Ld. Counsel for the Petitioner that several of the accused persons in the case have already been released. Such favour was, however, not granted to the Petitioner on account of the fact that he had been specifically alleged to have shot the victim dead by firing in his abdomen from his .12 bore gun.

3. Thereafter, Ld. Counsel for the Petitioner had submitted that even though all the Prosecution Witnesses have already been examined by the Ld. Trial Court, his client was still constrained to remain in custody since pronouncement of final judgment in the pending trial had been stayed by this Court in connection with CRM No.18686 of 2018 filed at the instance of another accused namely Navarbir Singh.

4. This Court, in the circumstances, on 11th June, 2020, was inclined to peruse the evidence available before the Ld. Trial Court for coming to any decision on the Bail Application. Subsequently, the Statements of the Prosecution Witnesses in the form of Annexures P-8 to P-23 were filed by Ld. Counsel for the Petitioner.

5. This Court has gone through the material Statements particularly of eye-witness, namely Amolakjeet Singh (PW-1), a Nephew of the deceased/victim, as also that of the victim's widow Kulwinder Kaur, who deposed as PW-2.

6. In the opinion of this Court, the evidence forthcoming against the Petitioner during trial is substantially convincing and does not justify his release on bail.

7. Regarding the contention that the Petitioner is being made to suffer unjustified detention since pronouncement of the final judgment in

the case has been stayed on account of the order passed in CRM No.18686 of 2018, the opinion of the Court is that the same would not be any ground to help the Petitioner considering the nature of evidence available against him, and the gravity of the offence he is involved in.

8. It needs to be remembered that the order of staying pronouncement of final judgment is at the instance of a co-accused, and in case, the Petitioner is aggrieved of said order on the premise that completion of his own trial is held up due to such order, then he is within his right to seek a clarification to the effect that there is no bar upon the Ld. Trial Court to pass its final judgment *qua* the present Petitioner, who is not a party in the said case. Suffice it to say, the Petitioner cannot be permitted to seek his release by default on the premise that completion of his trial has been withheld due to pendency of a proceeding filed at the instance of another co-accused person. Clearly, the order passed in CRM No.18686 of 2018, is not an order *in rem*, and in case, the Petitioner, so likes, this Court can very well clarify the purport and ramifications of the interim order passed in CRM No.18686 of 2018.

8. No ground is made out to grant bail to the Petitioner during pendency of the trial, at this stage.

9. Dismissed.

July 02, 2020
Dpr

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No