

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

CRM-M-14490-2020 (O&M)

Date of decision: 06.08.2020

Satnam Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Kuljit Singh Bal, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 450 dated 09.09.2017, registered under Sections 420, 467, 468, 471, 409, 120-B of the IPC; Sections 7, 13(1), 13(1)(a), 13(1)(b), 13 (1)(c), 13(1)(d) of the Prevention of Corruption Act, 1988, at Police Station Civil Lines, District Police Commissionerate Amritsar.

Affidavit of Additional Deputy Commissioner, Detective, Amritsar as well as the affidavit of Superintendent, Central Jail, Amritsar, filed today in Court, are taken on record. Custody certificate is also taken on record.

Learned counsel for the petitioner, at the very outset, has submitted that the petitioner is a 85% physically disable person due to amputation of his left thigh and has relied upon Disability Certificate in this regard.

Learned counsel for the petitioner further submitted that as per

the report of the Medical Officer, Central Jail, Amritsar, the petitioner is under treatment as an OPD patient with Guru Nanak Dev Hospital, Amritsar and is suffering from *Diabetes Mellites* with *Hypertension*. It is further stated in the report that the petitioner has been provided with medicines from time to time.

Learned counsel for the petitioner further submitted that the petitioner is in judicial custody since 03.08.2018 and has undergone almost two years of custody and out of total 128 cited witnesses, only 03 witnesses have been examined so far.

Learned counsel for the petitioner has relied upon order dated 18.03.2020 passed in CRM-M-2163-2020 and three other connected petitions, vide which co-accused Daman Bhalla @ Lucky, Teena Vohra @ Teena Sharma, Dayal Chand Garg @ DC Garg and Paramjit Singh have been granted concession of regular bail by this Court.

A perusal of the aforesaid order shows that this Court, after considering the various dates, on which the statement of only 03 prosecution witnesses was recorded and also considering an order passed by Hon'ble Supreme Court, in a petition filed by one of the accused Daman Bhalla @ Lucky, wherein the trial Court was directed to conclude the trial by December, 2019 but the same could not be concluded as there are 128 cited witnesses. The operative part of the order reads as under:

“[19]. Taking into consideration the order dated 25.04.2019 passed by the Hon'ble Apex Court, I deem it appropriate to grant default bail to the petitioner Daman Bhalla @ Lucky with a liberty to the prosecution that in case, the Hon'ble Apex Court grants extension in time for conclusion of the trial, petitioner Daman Bhalla shall

surrender before the trial Court and press for bail on merits. The present petition i.e. CRM-M No.2163 of 2020 is being disposed of purely on the basis of effect of order dated 25.04.2019 passed by the Hon'ble Apex Court and interlocutory orders passed by the trial Court thereafter, showing that the delay in the trial is not attributable to the accused. The order is being passed keeping in view the delay occurred in the trial and in view of rigour of order dated 25.04.2019 passed by the Hon'ble Apex Court. Liberty is granted to the prosecution to move an appropriate application before the Court for cancellation of bail of the accused in case of grant of extension for conclusion of the trial by the Hon'ble Apex Court.”

Learned State counsel could not dispute the factual position, however, opposed the bail and submitted that in fact there are total 200 cited witnesses, out of which, 06 witnesses have been examined so far.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that petitioner is in judicial custody for the last about two years; he is not involved in any other case; he is an 85% physically disable person as per the report of the Medical Board granting Disability Certificate and also in view of the report of the Medial Officer, Central Jail, Amritsar as well as the stage of trial, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail bond and heavy surety bond to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

The petitioner is also directed to deposit his passport with the trial Court as a condition precedent.

It is made clear that in case the petitioner is found to be involved in any process of tempering with the prosecution evidence or influencing the witnesses, the trial Court shall be within its competence to cancel the bail of the petitioner.

06.08.2020

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No