

Sr. No.207

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

CRM-M-16217 of 2020 (O&M)

Date of Decision: 09.07.2020

Deputy Singh

...Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. T.S. Sangha, Sr. Advocate with
Mr. Narinder Singh, Advocate,
for the petitioner.

Mr. Ramdeep Partap, DAG Punjab.

(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

1. The petitioner is seeking regular bail in FIR No. 58 dated 22.07.2001, registered under Sections 307, 353, 186, 188, 323, 427, 506, 148 and 149 IPC, Police Station Maur, District Bathinda.

2. The FIR in this case was registered on the complaint of Inspector Balwinder Singh, wherein he stated that on 22.07.2001 when the police party had held a barricade on the road leading from bus stand Maur Charat Singh to railway lines, the members of Bhartiya Ekta Kissan Union(including the petitioner), armed with sticks and brickbats, formed an unlawful assembly and opened attack on the police party and prevented them from discharging their duties.

3. Learned Senior counsel for the petitioner submits that the petitioner was wrongly declared a proclaimed offender on 30.01.2008 whereas he was very much present in the village, tilling his lands. He further submits that trial of co-accused Charanjit Singh has ended in his acquittal and refers to judgment dated 23.05.2012 (Annexure P-1). He further submits that petitioner

is in custody since 18.03.2020 and challan has already been filed in the Court for trial of the petitioner.

4. On the other hand, learned State counsel opposes the bail plea. According to him, the petitioner evaded the trial for almost two decades. He, however, admits that co-accused has been acquitted after the trial. On a query of the Court, learned State counsel has shown his inability as to what steps were taken to arrest the petitioner from 2001 until 2020, especially in light of his claim that he was in his village tilling his lands.

5. Be that as it may, the petitioner is in custody since 18.03.2020. The FIR pertains to the year 2001 and trial against the petitioner has already been delayed for almost two decades, which seems not to commence or conclude in near future as due to Covid-19 the Courts are working with restrictions and taking up only urgent matters. Custodial interrogation of the petitioner is no more required. Co accused has been acquitted. Without expressing any opinion on the merits of the case, petition is allowed. The petitioner shall be released on regular bail on his furnishing bail bonds and surety bonds to the satisfaction of Trial Court/ Duty Magistrate, Bathinda, as the case may be.

(ARUN MONGA)
JUDGE

09.07.2020

Jiten

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No