

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.212

**CRM-14326-2020 in/and
CRM-M-16462-2020
Date of decision : 5.8.2020**

Nirmal Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. L.S. Mann, Advocate, for the applicant-petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks regular bail in case FIR No.210 dated 11.12.2016, registered at Police Station Sidhwan Bet, District Ludhiana, under Sections 307, 148, 149 IPC (later on Sections 148, 149 IPC deleted and Section 34 IPC added) and Section 25 of the Arms Act, 1959.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR. Statement of an eye-witness was recorded 09 days after the registration of the FIR and he disclosed that the petitioner also participated in the incident. No sanctity can be attached to the statement of said eye-witness as no explanation is forthcoming regarding his silence for such a long period of time. The petitioner has been in custody since 20.2.2017 and the trial is not likely to be concluded at an early date as none of the prosecution witness has been examined, till date. Thus, the petitioner may be released on regular bail.

Custody certificate dated 5.8.2020, has been filed by the learned State counsel and the same is taken on record. According to this certificate, the petitioner has undergone actual custody of 03 years, 05 months and 12 days and there are 13 other criminal cases pending against him.

Learned State counsel admits that no prosecution witness has been examined till date. He, however, opposes the prayer of bail on the ground of criminal antecedents of the petitioner.

Learned counsel for the petitioner submits that out of 13 pending criminal cases, the petitioner has been granted regular bail in 10 of them. In the other 03 remaining cases, i.e. FIR No.01 dated 1.1.2017, FIR No.103 dated 7.9.2014 and FIR No.62 dated 15.6.2016, the petitioner has undergone actual custody exceeding 03 years, each. In FIR No.62 dated 15.6.2016, the petitioner has not been named and FIR No.01 dated 1.1.2017 has been registered on secret information. Thus, false implication cannot be ruled out. Keeping in view the custody period of the petitioner, he deserves the concession of regular bail.

From the record, it is evident that the petitioner has undergone actual custody of 03 years, 05 months and 12 days, in the instant case. The trial is not likely to be concluded at an early date as examination of PWs has not yet commenced. Normally, under the circumstances, the petitioner would be entitled to grant of regular bail. However, obstruction is the large number of pending criminal cases.

Learned counsel for the petitioner has stated that in 10 of the pending cases, the petitioner has been granted regular bail and this has not been disputed by the learned State counsel. Regarding remaining 03 cases, based on the contents of the FIR, the false implication cannot be ruled out. Thus, the petitioner deserves to be granted regular bail. Accordingly, the petition is allowed and petitioner is ordered to be released on bail on his

furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

Additionally, the petitioner is directed to mark his presence in the police station having jurisdiction in the area of his residence every four weeks. He shall also provide his latest mobile number to the said police station and ensure that he is available at all times when a phone call is made by the police. The petitioner is forbidden from changing his mobile number without prior information to the concerned police station. He shall also download the Arogya Setu App for declaration of his health status. Even a single violation of any of these conditions shall make him liable to cancelation of the bail.

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To be listed on 20.8.2020 for payment of Court fee.

(SUDHIR MITTAL)
JUDGE

5.8.2020

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No