

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.123

CRM-M-16619-2020 (O&M)

Date of decision : 28.8.2020

Gurpawanjit Singh @ Pawan

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. S.K. Virk, Advocate, for the applicant-petitioner.

Mr. A.P.S. Gill, DAG, Punjab.

SUDHIR MITTAL, J. (Oral)

This is the second petition for grant of regular bail in case FIR No.127, dated 10.8.2016, registered at Police Station Sadar Tarn Taran, District Tarn Taran, under Sections 364, 302, 148 and 149 IPC (Sections 115, 216, 216-A, 120-B and 473 IPC, added later on) and Sections 25 of the Arms Act, 1959.

Learned counsel for the petitioner argues that the petitioner has been in custody for over 03 years and 05 months and the trial is not likely to be concluded at an early date. The petitioner has been named in this case on a supplementary statement given by the complainant after many days. No direct role has been attributed to the petitioner and thus, he deserves to be granted regular bail.

Custody certificate dated 27.8.2020, has been submitted by the learned State counsel in Court. The same is taken on record. According to this certificate, the petitioner has undergone actual custody of 03 years, 05 months and 13 days and there are 04 other criminal cases pending against him.

The issue of pending criminal cases had been raised on the

previous date as well and thus, the State had been directed to file an affidavit

regarding the role of the petitioner in the said cases. Affidavit has been filed, according to which, the petitioner has been implicated as an accused in 03 cases, out of 04 cases on account of disclosure statements made by the co-accused. In the fourth case, the petitioner is accused of having attacked an under trial in the Court complex, but no specific attribution has been made.

On being asked, learned State counsel submits that out of 24 PWs, 14 PWs have been examined.

Thus, it is evident that the trial is not likely to be concluded at an early date. The petitioner has been in custody for almost 3 ½ years and it is unlikely that the police will be able to prove the allegations made against him.

Keeping in view the facts and circumstances of this case, I deem it appropriate to allow this petition. 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.

CRM-14428-2020

To be listed on 23.9.2020 for payment of Court fee.

(SUDHIR MITTAL)
JUDGE

28.8.2020

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No