

Sr. No. 202

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

**CRM-M-17302 of 2020 (O&M)
DATE OF DECISION : 09.10.2020**

Surjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Mandeep Singh Basra, Advocate
For the petitioner.

Mr. Luvinder Sofat, AAG Punjab.

Mr. Shekhar Verma, Advocate
For the complainant.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

1. Petitioner seeks regular bail in FIR No. 02 dated 10.01.2016, registered under Sections 302, 201, 404 read with Section 34 IPC, Police Station Ghuman Kalan, District Gurdaspur.

2. Per FIR, the complainant Balwinder Singh noticed half burnt dead body lying in an abandoned condition in the fields, which was later found to be of one Rajinder Singh @ Goldy. FIR was registered. During investigation, petitioner allegedly confessed his involvement in the murder along with other co-accused. He was arrested on 30.01.2016 and is stated to be in custody since then.

3. Learned counsel for the petitioner submits that petitioner is in custody for about 04 years and 08 months and yet the trial has not concluded

and on that short ground alone bail ought to be granted. He further submits that when the case was at the stage of defense evidence, an application under Section 311 Cr.P.C. was filed by the prosecution seeking permission to examine the material witnesses. The said application was allowed and Balwinder Kaur was examined. However, a prayer by complainant for deposition/re examination was declined by the trial Court, leading to filing of CRR No. 1253 of 2019 before this court, wherein time and again, the trial Court was directed to adjourn the matter beyond the date fixed. According to him, the trial is held up owing to pendency of said CRR No. 1253 of 2019 before this court. Petitioner is thus languishing in jail for a considerable long time. He further submits that the money dispute was between the deceased and co-accused Hardial Singh. Petitioner nowhere figures in the entire picture. He has been falsely implicated and there is no incriminating material against him. The petitioner is not involved in any other case. According to him, though the revision petition of Balwinder Kaur has been allowed vide order of even date by this Court, recording of her statement would still take long time since Courts are presently taking up only urgent matters due to current pandemic. No useful purpose would be served by keeping the petitioner in custody any more.

4. On the other hand, learned State counsel as well as learned counsel for the complainant oppose the bail plea. However, they admit that petitioner is in custody for the last about 04 years and 08 months and presently the trial is held up. Learned counsel for the complainant also makes a request for directing the trial Court to conclude the trial in a time bound manner.

5. The contention of learned counsel for the petitioner about false implication can only be adjudicated at the trial of the case, which is currently held up. The petitioner is in custody since 30.01.2016. He is not involved in any other case. I am of the view that no useful purpose would be served by keeping the petitioner in prevention custody any more. Reliance may be had to Division Bench judgment of this Court in Dharam Pal Vs. State of Haryana, 2000(1) DMC 258.

9. Considering the overall scenario, but without commenting on the merits of the case, the petition is allowed. Petitioner shall be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/ Duty Magistrate, as the case may be.

(ARUN MONGA)
JUDGE

October 09, 2020
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No