

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

CRM-M No.21932 of 2020

Date of Decision: 17.08.2020

Himmat Singh @ Pappu

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. D.S. Gurna, Advocate
for the petitioner.

Mr. H.S. Grewal, Addl. A.G., Punjab.

DAYA CHAUDHARY, J. (ORAL)

Case has been taken up through Video Conferencing in view of Covid-19 pandemic.

This petition has been moved under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No.72 dated 14.07.2013 registered under Sections 364-A, 307, 323, 324, 171, 148, 149, 120-B, 506, 420, 467, 471, 201 IPC, Section 25 of the Arms Act, 1959 and Section 29 of the Narcotic Drugs and Psychotropic Substances Act, 1981.

Learned counsel for the petitioner submits that similarly situated co-accused, namely, Amit @ Bhola and Deepali Puri have been granted bail by this Court. Co-accused Gurarpan Chauhan has also been released on regular bail by Hon'ble the Apex Court vide Order dated 03.03.2020 by considering the custody period and also the fact that all material witnesses have been examined. Learned counsel further submits

that the petitioner is also entitled for grant of regular bail as his custody is more than seven years and all material witnesses have been examined. There is no other case pending against him. Learned counsel also submits that trial may still take some time because of Covid-19 pandemic.

Learned State counsel has not disputed the custody period undergone by the petitioner, which is more than seven years and also the fact that his co-accused have been released after grant of regular bail. It has also not been disputed by learned State counsel that there is no other case pending against the petitioner.

Heard the arguments of learned counsel for the petitioner as well as learned State counsel.

As per custody certificate, the present petitioner has undergone custody of 07 years and 18 days as on 17.08.2020. No other case reflected against the petitioner in the custody certificate. Three co-accused have been released on regular bail vide different orders. One accused, namely, Gurarpan Chauhan has approached before Hon'ble the Apex Court and vide Order dated 03.03.2020, he was directed to be released on regular bail by considering the custody since 20.07.2013 and also on the ground that all material witnesses have been examined.

Accordingly, by considering the custody of the petitioner, which is more than seven years and his case is at par with co-accused, namely, Gurarpan Chauhan, who has been released on regular bail by Hon'ble the Apex Court and also the fact there is no other case pending against the present petitioner; all material witnesses have been examined; still some time may be taken in final conclusion of the trial and no useful purpose would be served by keeping the present petitioner in custody, the

present petition is allowed and petitioner, namely, Himmat Singh @ Pappu is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

(DAYA CHAUDHARY)
JUDGE

17.08.2020
gurpreet

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No