

Sukhpal Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Tarundeep Kumar, Advocate
for the petitioner

Mr. Ramdeep Partap Singh, DAG Punjab

Sudhir Mittal, J. (Oral)

This is the second petition for grant of regular bail in case FIR No. 102 dated 27.08.2016 registered under Sections 302, 307, 324, 148, 149 IPC (Section 326 IPC added later on) and Sections 25, 27 of the Arms Act, 1959 at Police Station Hathur, Ludhiana.

Learned counsel for the petitioner submits that the petitioner has been in custody in excess of three years. Only one PW out of a total of 45 PWs has been examined till date and now the trial has been held up on an application filed under Section 319 Cr.P.C. There is no other criminal case pending against the petitioner. The earlier bail petition was withdrawn vide order dated 13.11.2018 and a direction was given to the trial Court to conclude the trial at the earliest. The trial has not progressed substantially and, thus, the petitioner deserves the concession of regular bail.

Custody certificate dated 07.08.2020 is available on the record. According to this custody certificate, the petitioner has undergone actual custody of 3 years, 1 month and 24 days and there is no other criminal case pending against him.

Learned State counsel opposes the prayer on the ground that the petitioner is the main accused. However, he concedes that only one PW has been examined till date and that the trial has been held up on an application filed under Section 319 Cr.P.C.

There can be no doubt that the petitioner has been in custody in excess of 3 years and 1 month and that the trial is not likely to be concluded at an early date. The petitioner may be the main accused but he can not be kept in custody indefinitely. Further, since the passing of order dated 13.11.2018 in the earlier application for bail moved by the petitioner, no substantial progress has been made in the trial. Thus, I deem it appropriate to grant regular bail to the petitioner.

Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

August 18, 2020

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No