IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No.22090 of 2020
Date of Decision: September 23rd, 2020

China Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sandeep Singh Mann, Advocate
for the petitioner.

Mr. B.S. Sewak, Additional Advocate General, Punjab.

(PROCEEDINGS THROUGH V.C.)

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.112 dated 20.10.2017 registered under Sections 302, 201, 364, 148 and 149 IPC at Police Station Arniwala, District Fazilka.

It is the contention of learned counsel for the petitioner that the FIR, which was registered against the petitioner and other co-accused has resulted in acquittal of the other co-accused vide judgment passed by the trial Court on 25.04.2018 (Annexure P-4). He contends that the role, which has been attributed to the petitioner, would only constitute an offence, which would be relatable to Sections 148 and 149 IPC. With the main accused having been acquitted, the chances of conviction of petitioner are bleak. Further he contends that the petitioner although initially was declared a proclaimed offender/person but has been arrested on 12.12.2019 and is now in custody for more than nine months. The trial is not likely to proceed further in the light of the prevailing circumstances and, therefore, the petitioner be granted the concession of bail.

Counsel for the State, on the other hand, submits that the petitioner had earlier been declared a proclaimed offender/person and, therefore, does not deserve the concession of bail. The other factual aspects,

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as have been pointed out by the counsel for the petitioner, could not be disputed by the counsel for the State. On a query put by this Court as to how many witnesses have to be examined by the prosecution and what is the stage of the trial, he states that out of 13 witnesses, none has been examined till date.

I have considered the submissions made by the counsel for the parties and keeping in view the fact that the petitioner is in custody for the last nine months, with none of the witnesses out of the 13 prosecution witnesses cited, has been examined, with the prevailing pandemic, where the Courts are working in a restricted mode, the trial is not likely to commence soon or conclude in near future, the present petition is allowed.

Petitioner is directed to be released on bail subject to heavy surety to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Fazilka.

Any observations made hereinabove are for the purpose of disposal of the present petition alone and shall have no bearing on the merit of the case during the trial in any manner.

September 23rd, 2020 **(AUGUSTINE GEORGE MASIH)**
Puneet **JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No

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