

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

124

**CRM-M-22485-2020
DATE OF DECISION: 27.11.2020**

GURBACHAN SINGH

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Salil Dev Singh Bali, Advocate
for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

Mr. R.S. Sekhon, Advocate for the complainant.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The petitioner is seeking regular bail in FIR No.197 dated 20.06.2014 under Sections 302, 323, 148, 149, 120-B IPC and Sections 25/27/54/59 of the Arms Act, registered at Police Station Sadar Ferozepur, District Ferozepur.

Learned counsel for the petitioner contends that the petitioner is in custody for over 6 years and the similarly situated co-accused namely Harjinder Singh and Dalip Singh have been granted concession of regular bail by the coordinate Bench of this Court in CRM-M-39623 of 2018 on 05.03.2019 and CRM-M-438-2017 on 16.03.2017 respectively. He further contends that the trial is not making any headway.

Learned State counsel, upon instructions from ASI Sukhwinder Singh contends that statements of PW 14 to PW 18 were recorded on 18.11.2019 and the prosecution evidence was closed on 26.11.2019. Now the

trial has commenced and the matter is listed for defence evidence and arguments on 03.12.2020.

Heard.

This is the second bail petition preferred by the petitioner. The previous petition for regular bail has been dismissed as withdrawn on 28.11.2019. The allegations against the petitioner are that he was armed with a .12 bore gun and had fired at Karnail Singh, uncle of the complainant. The shot hit his left flank and he expired. In the occurrence, three persons had lost their life. In the order dated 05.03.2019 granting bail to co-accused Harjinder Singh in CRM-M-39623 of 2018, it has been observed therein that Harjinder Singh had come empty handed at the spot and he is alleged to have snatched a gun from the co-accused Gurbachan Singh who is the petitioner in the instant case and had fired a shot. The case is distinguishable from the instant case as the petitioner herein had come duly armed with .12 bore gun and fired a shot. With regard to the grant of bail to co-accused Dalip Singh, it has been observed in the order that Dalip Singh had been summoned to face trial on an application preferred under Section 319 Cr.P.C., meaning thereby that he was not challaned as an accused by the police. Therefore, I do not find any ground to take another view in the matter as the previous petition stands dismissed. With regard to the delay in the conclusion of the trial, it has been pointed out by the learned State counsel that the prosecution evidence had been closed on 18.11.2019 and thereafter, the matter was listed for defence evidence. It is, thus, manifest that there is no delay on the part of the prosecution.

The order passed by the Additional Sessions Judge on 11.11.2020 indicates that the trial has commenced and the matter is listed for

defence evidence and arguments on 03.12.2020.

In view of the above, the petition stands dismissed. The trial Court is directed to conclude the trial expeditiously.

(ANUPINDER SINGH GREWAL)
JUDGE

27.11.2020

SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No