

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

Sr. No.209

CRM-M-25483-2020

DATE OF DECISION: 08.09.2020

HARJIT SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Tarundeep Kumar, Advocate, for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

SUDHIR MITTAL, J. (ORAL)

The petitioner seeks grant of regular bail in case FIR No. 102 dated 27.08.2016 registered at Police Station Hathur, District Ludhiana, under Sections 302, 307, 324, 148, 149 IPC (Section 326 IPC added later on) and Section 25/27 of Arms Act, 1959.

Learned counsel for the petitioner submits that the petitioner has been in custody for 04 years. The trial is not likely to be concluded at an early date as only 01 PW out of a total of 45 PWs has been examined till date. Keeping in view of custody period of the petitioner, the petitioner deserves to be granted regular bail.

Custody certificate dated 08.09.2020 has been submitted in Court. The same is taken on record. According to this certificate, the petitioner has been in custody for the last 04 years. There is one other case

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inter alia under Section 307 IPC pending against the petitioner and 03 cases under Section 52-A of the Prisons Act, 1894. One acquittal is also recorded.

Learned State counsel opposes the prayer for grant of bail on the ground that the petitioner is the main accused.

In response to the custody certificate, learned counsel for the petitioner submits that the petitioner has been in custody since the year 2016 and the pending case *inter alia* under Section 307 IPC is of the year 2019. Thus, false implication cannot be ruled out. In any case, the petitioner is on bail in the said case.

From the aforementioned facts, it is evident that the petitioner has been in custody for 04 years and the trial is not likely to be concluded at an early date. The pendency of one FIR *inter alia* under Section 307 IPC would not deter me from granting regular bail to the petitioner as the said FIR is of the year 2019 whereas the petitioner has been in custody since 2016.

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.

08.09.2020

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No