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

CRM-M No. 28701 of 2020
Date of Decision: 08.10.2020

Ramandeep Singh @ Sunny

-Petitioner

Vs

State of Punjab

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Gurpreet Singh Sandhu, Advocate,
for the petitioner.

Mr. Harbir Sandhu, A.A.G., Punjab.

RAJ MOHAN SINGH, J. (ORAL)

The case has been taken up for hearing through video-conferencing.

Petitioner in his 4th attempt seeks grant of regular bail under Section 439 Cr.P.C. in case bearing FIR No.110 dated 29.05.2017 under Sections 18 and 20 of Unlawful Activities Amendment Order Act and Section 25 of Arms Act (Section 17, 19, 38 of Unlawful Activities Act and Section 54/59 of Arms Act added later on) registered at Police Station Phase-1, S.A.S. Nagar.

Petitioner remained unsuccessful in his previous attempts in which bail was rejected on 03.04.2018, 16.01.2019 and 06.09.2019.

In the order dated 06.09.2019 passed in CRM-M No.35627 of 2019, this Court passed the following concluding part of the order:-

“At this stage, without making any observation on the merits of the case, I deem it appropriate to direct the trial Court to expedite the trial and try to conclude the same within a reasonable time by giving short adjournments.”

Thereafter, co-accused Amritpal Kaur @ Amrita filed CRM-M No.33656 of 2019 in which following order was passed by the High Court on 12.02.2020:-

“Specific affidavit of Senior Superintendent of Police, SAS Nagar, filed in the Court today, is taken on record. Copy supplied.

Learned State counsel, on instructions from SHO Manphool Singh, Police Station Phase-1, SAS Nagar (Mohali), has submitted that only two prosecution witnesses are left to be examined and next date before the trial Court is fixed for today itself. He undertakes that the entire prosecution evidence will be concluded within a period of one month from today.

Accordingly, the Senior Superintendent of Police, SAS Nagar (Mohali) is directed to ensure that all the prosecution witnesses appear before the trial Court within a period of 30 days from today.

List again on 01.04.2020.

A photocopy of this order be placed on the file of connected case.”

Perusal of the aforesaid order would show that only two prosecution witnesses were left to be examined on that date and the learned State counsel on instructions from SHO Manphool Singh undertook that the entire prosecution evidence would be concluded within a period of one month from that date.

Senior Superintendent of Police, S.A.S. Nagar, Mohali was directed to ensure that all the prosecution witnesses appear before the trial Court within a period of 30 days from 12.02.2020.

Thereafter, the present petition came to be filed. This Court vide order dated 24.09.2020 passed the following order:-

“The case has been taken up for hearing through video conferencing.

Vide order dated 12.02.2020 passed in CRM-M No.33656 of 2019 and CRM-M No.37960 of 2019, it was recorded on the basis of statement made by learned State counsel on instructions from SHO Manphool Singh, Police Station Phase-1, SAS Nagar (Mohali) that only 02 prosecution witnesses are left to be examined and 12.02.2020 itself was the date fixed before the trial Court. The Investigating Officer undertook to conclude the entire prosecution evidence within a period of 30 days

from 12.02.2020. Senior Superintendent of Police, Mohali was also directed to ensure that all the prosecution witnesses would appear before the trial Court within a period of 30 days.

Learned counsel for the petitioner submits that period of 30 days expired on 13.03.2020 and the Courts were closed only w.e.f. 22.03.2020.

Order dated 12.02.2020 has not been implemented in its letter and spirit.

Now, due to situation arising out of pandemic COVID-19, petitioner is languishing in jail despite the aforesaid order.

Let the interlocutory orders passed by the trial Court from 12.02.2020 onwards till 22.03.2020 be brought on record by the adjourned date.

Adjourned to 08.10.2020.”

In compliance of the aforesaid order, learned State counsel has sent interlocutory orders from 12.02.2020 onwards till 18.03.2020.

Perusal of order dated 12.02.2020 would show that DSP Gurvinder Singh was examined in chief partly and the same was adjourned to 19.02.2020 for his further examination-in-chief. Summons issued to PW Surjit Singh were received back duly served, but he did not appear.ailable warrants were issued against three prosecution witnesses namely Surjit Singh, Parveen Arora and Ashutosh Kalia. On 19.02.2020, two

prosecution witnesses were examined, but DSP Gurvinder Singh could not be examined as the Court time was over and he was bound down for 26.02.2020. On 26.02.2020, DSP Gurvinder Singh was examined in chief partly and for his further examination-in-chief, the case was deferred to 04.03.2020. On 04.03.2020, DSP Gurvinder Singh was examined in chief partly and for his further examination-in-chief, the case was adjourned to 18.03.2020.

Order dated 18.03.2020 passed by Additional Sessions Judge, S.A.S. Nagar reads as under:-

“All accused produced before me by the Jail Authorities through V.C. Today. PW DSP Gurvinder Singh has come present, but he could not be examined due to letter received from the Hon'ble High Court bearing No.506/Spl.Gaz.II.17 dated 17.03.2020, no urgency is involved in this case, so, case is adjourned to 01.04.2020 for further examination of PW DSP Gurvinder Singh. PW DSP Gurvinder Singh is bound down for the next date of hearing. Remaining PWs be also summoned.”

Perusal of the aforesaid order would show that the Court on the basis of letter dated 17.03.2020 issued by the High Court did not treat this case to be an urgent case and adjourned the case for 01.04.2020 for further examination of PW DSP

Gurvinder Singh.

Admittedly, there are no proceedings thereafter before the trial Court.

The aforesaid factual position is not in dispute between the parties.

Vide order dated 12.02.2020, specific order was passed by the High Court that all the prosecution witnesses should be examined by the prosecution within 30 days from 12.02.2020. Even the learned State counsel on instructions from SHO Manphool Singh undertook that the entire prosecution evidence would be concluded within 30 days.

Period of 30 days expired on 13.03.2020 and the Courts were only closed w.e.f. 23.03.2020.

Evidently, the order dated 12.02.2020 has not been implemented in letter and spirit.

Petitioner is in custody since 04.06.2017.

Looking into the facts and circumstances of the case and keeping in view the situation arising out of pandemic COVID-19, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, the petition is allowed. Petitioner is directed to be released on regular bail, subject to his furnishing heavy bail bonds/surety bonds to the satisfaction of trial

Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an opinion on the merits of the case.

08.10.2020
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No