

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

CRM-M-30102 of 2020.

Decided on:- November 19, 2020.

Ramandeep Singh @ Goldy.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Rajvinder Singh Bains, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, D.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

The petitioner has filed the present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.279 dated 29.07.2009 under Section 307 read with Section 34 IPC and Section 25 of the Arms Act, 1959 {offence under Section 302 IPC as well as Sections 15, 16 and 17 of the Unlawful Activities (Prevention) Act, 1967 were added later on} registered at Police Station Tripari, District Patiala.

Mr. R.S. Bains, learned counsel for the petitioner has submitted that in the head note of the present petition, though it is mentioned that the present petition is 4th petition, but in fact, the present is a second petition, as the earlier petition i.e. **CRM-M-19919 of 2018** titled as **Ramandeep Singh Versus State of Punjab** was dismissed by this Court vide order dated August 08, 2018 (Annexure P-15). However, the order dated 06.10.2016 (Annexure

P-14) was passed by this Court in *CRM-M-34955-2016* titled as *Ramandeep Singh @ Goldy*, whereby the petitioner was granted interim bail.

He has argued that in the present FIR, the co-accused, namely, Jagmohan Singh alias Rinku, Darshan Singh, Gurjant Singh, Amarjit Singh and Daljit Singh have already been acquitted by learned Additional Sessions Judge, Patiala vide judgment dated 27.02.2015 (Annexure P-3). The petitioner was arrested in the case on 06.11.2014 from the airport pursuant to the proclamation proceedings initiated against him and since then, he is in custody. The trial in the case is not proceeding ahead and COVID-19 pandemic has further adversely affected the trial. As against total 52 witnesses cited by the prosecution, only 42 witnesses have been examined in the case and the last prosecution witness was examined in the case before the trial Court in November, 2019.

Learned State counsel does not dispute the custody of petitioner and the fact that the other co-accused i.e. Jagmohan Singh alias Rinku, Darshan Singh, Gurjant Singh, Amarjit Singh and Daljit Singh have already been acquitted by learned Additional Sessions Judge, Patiala vide judgment dated 27.02.2015. However, he submits that as the petitioner was proceeded for proclamation proceedings, he was arrested from the airport on 06.11.2014.

I have heard learned counsel for the parties.

It is a conceded case of the parties that the other co-accused mentioned above have already been acquitted by the trial Court. Most of the witnesses, who deposed before the trial Court in the case of other co-accused are common witnesses. As against total 52 witnesses cited by the prosecution, 42 witnesses have been examined and the last witness was examined before

the trial Court in November, 2019. In this manner, trial in the case is not proceeding ahead. Further, COVID-19 has also adversely affected the trial.

Lest it may affect the trial in any manner, therefore, without observing anything on the merits of the case, but considering the fact that the petitioner is in custody since 06.11.2014 and no witness has been examined before the trial Court after November, 2019, of course, COVID-19 pandemic has also somehow delayed the trial, this Court finds that at this stage, the petitioner deserves to be admitted on bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds and heavy surety to the satisfaction of learned trial Court.

It is made clear that the petitioner shall not extend any threat and shall not try to influence any prosecution witness directly or indirectly in any manner.

The petitioner shall not leave the country during the trial and shall not delay the trial in any manner.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

November 19, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No