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

**CRM-M No.36615 of 2020(O&M)
Date of Decision: 19.11.2020**

Parminder Singh

.....Petitioner

**Vs
State of Punjab**

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. K.S. Dhillon, Advocate
for the petitioner.

Mr. IPS Doabia, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

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

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.110 dated 29.05.2017 registered under Sections 18, 20 of the Unlawful Activities Amendment Order Act, 04 and Section 25 of the Arms act (challan presented in Court under Sections 25/54 of the Arms Act, Sections 17, 18, 19, 20, 38 of the Unlawful Activities (Prevention) Act 1967)

registered at Police Station Phase-I, Mohali, District SAS Nagar.

Co-accused Ramandeep Singh @ Sunny has been granted regular bail vide order dated 08.10.2020 passed in CRM-M No.28701 of 2020. The aforesaid accused was granted bail despite his unsuccessful attempts on previous occasions when his bail was rejected on 03.04.2018, 16.01.2019, 06.09.2019. In the order dated 06.09.2019 passed in CRM-M No.35627 of 2019, the trial Court was directed to expedite the trial and try to conclude the same within a reasonable time by giving short adjournments. Thereafter, Amritpal Kaur @ Amrita filed CRM-M No.33656 of 2019 in which the High Court directed the SSP, SAS Nagar, Mohali to ensure that all the prosecution witnesses appear before the trial Court within a period of 30 days from 12.02.2020.

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. In that situation, the Co-ordinate Bench directed the SSP, Mohali to ensure that all the prosecution witnesses appear before the trial Court within a period of 30 days from 12.02.2020. Thereafter, CRM-M No.28701 of 2020 came to be

filed by co-accused Ramandeep Singh @ Sunny. The first order was passed on 24.09.2020, thereby directing the State to place on record all the interlocutory orders passed by the trial Court from 12.02.2020 onwards till 22.03.2020.

In compliance of the aforesaid order, necessary interlocutory orders were placed on record. After perusing the interlocutory orders, this Court granted regular bail to co-accused Ramandeep Singh @ Sunny on the premise that the compliance of order dated 12.02.2020 passed in CRM-M No.33656 of 2019 was not made.

Perusal of order dated 12.02.2020 passed by the trial Court would show that DSP Gurvinder Singh was examined-in-chief partly and the case 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 in the Court. Bailable 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 the witness was bound down for 26.02.2020 i.e. the date on which he was examined-in-chief partly and for further examination-in-chief, the case was adjourned to 04.03.2020. On 04.03.2020, the aforesaid DSP

was examined-in-chief partly and for further examination-in-chief, the case was adjourned to 18.03.2020.

The Court on the basis of letter dated 17.03.2020 issued by the High Court did not treat the case to be an urgent case and adjourned the case for 01.04.2020 for further examination of PW DSP Gurvinder Singh. Thereafter, no proceedings were undertaken by the trial Court.

Petitioner was arrested on 04.06.2017. One 9 mm pistol and two cartridges were recovered from him. In different criminal petitions, Co-accused Ramandeep Singh @ Sunny and Jarnail Singh @ Kala have been granted regular bail by this Court.

The factual position of the case could not be disputed by learned State counsel on instructions from ASI Jaswinder Singh.

Looking to the aforesaid facts and situation arising out due to COVID-19 pandemic and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

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

Nothing expressed hereinabove, shall be construed to be an expression of any opinion on merits of the case.

19.11.2020	(RAJ MOHAN SINGH)
<i>Prince</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No