

220

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40161-2020

Date of Decision: 09.12.2020

HARBRINDER SINGH @ HARBARINDER SINGH @
HARVARINDER 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. Randhir Singh Thind, DAG, 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 Section 18, 20 of Unlawful Activities

Amendment Order Act, 2004 & Section 25 of Arms Act, 1959 (challan presented in Court under Sections 25/54/59 of the Arms Act 1959, Sections 17, 18, 19, 20, 38 of the Unlawful Activities [Prevention] Act, 1967) at Police Station Phase-I, Mohali, District SAS Nagar.

Learned counsel for the petitioner submits that case of the petitioner is at par with Parminder Singh who has been granted regular bail on 19.11.2020. While passing order dated 19.11.2020 in case of Parminder Singh, this Court has taken note of order dated 06.09.2019 passed in CRM-M No.35627 of 2019 vide which the trial Court was directed to expedite the trial and try to conclude the same within reasonable time by giving short adjournments. Thereafter, co-accused Amritpal @ Amrita filed CRM-M No.33656-2019 in which High Court directed the SSP, SAS Nagar, Mohali to ensure that all the prosecution witnesses appear before the trial Court within 30 days from 12.02.2020. The compliance of the aforesaid order was not made by the trial Court, thereafter CRM-M No.28701 of 2020 came to be filed by co-accused Ramandeep Singh @ Sunny. Ultimately, Ramandeep Singh was granted bail by this Court vide order dated 08.10.2020.

The factual position of the case could not be disputed by learned State counsel except to allege that only one

prosecution witness remains to be examined i.e. DSP Gurvinder Singh. Perusal of the order dated 12.02.2020 of 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 also 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. Two prosecution witnesses were examined on 19.02.2020 but DSP Gurvinder Singh was not examined due to paucity of time and the witness was bound down to 26.02.2020. On the date fixed he was partly examined-in-chief. Similar situation existed even on 04.03.2020. On the basis of letter dated 17.03.2020 issued by the High Court, the trial Court did not consider the case to be urgent and the case was adjourned for 01.04.2020 for further examination of DSP Gurvinder Singh. Thereafter no proceedings were undertaken by the trial Court. Now the aforesaid DSP is still to be cross-examined.

In view of parity with Parminder Singh 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 bail, subject to his furnishing

adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

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

December 09, 2020	(RAJ MOHAN SINGH)
<i>sangeeta</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No