

205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37626-2019 (O&M)
Date of Decision: 28.05.2020

Gurjant Singh @ Janta @ Hardep Siingh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. L.M. Gulati, Advocate,
for the petitioner.

Mr. Gaurav Dhuriwala, Sr. D.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

This petition has been filed under the provisions of Section 439 Cr.P.C., for grant of 'regular bail' to the petitioner in case FIR No. 52 dated 06.06.2018, registered at Police Station Kamboj, District Amritsar, for the alleged commission of offences punishable under Sections 302/148/149 of the IPC.

Learned counsel for the petitioner submits that the petitioner has been in custody for 01 year and 11 months now, with the trial still not anyway near conclusion due to the current pandemic, and with in any case the two eye witnesses, including the person stated to be the complainant, having turned hostile, such complainant being the brother of the deceased.

He further submits that even the forensic report has not come in favour of the prosecution.

Learned State counsel, on the other hand, though could not deny either the period of custody or the fact that two of the witnesses including the brother of the deceased have turned hostile, however, submitted that the gun recovered from the petitioner was fired from, as per the ballistic report, though he could not deny that, perhaps, the rest of that report may not be in favour of the prosecution. He, however, strongly, opposed granting bail to the petitioner.

Keeping in view the above and the fact that the trial is likely to take long as yet, without making any comment on the actual merits of the case, for or against the petitioner, the petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/Chief Judicial Magistrate/Duty Magistrate, concerned.

May 28, 2020
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.