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

1. **CRM-M No.39717 of 2019**
Date of Decision: 25.02.2020

Kuljeet Singh and othersPetitioners
Vs
State of PunjabRespondent

2. **CRM-M No.50564 of 2019**

Kuljeet SinghPetitioner
Vs
State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Kuljit Singh Bal, Advocate
for the petitioners.

Mr. Ramandeep Sandhu, Sr. D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Vide this common order, CRM-M Nos.39717 and 50564
of 2019 are being decided.

Petitioners seek grant of regular bail in case bearing
FIR No.156 dated 05.06.2015 registered under Sections 420,
120-B IPC at Police Station Sultanwind, District Amritsar.

Since both the petitions have arisen out of same FIR,
therefore, common facts are being noticed.

In CRM-M No.39717 of 2019 following order was

passed on 19.11.2019:-

“Pursuant to the order of this court dated 06.11.2019, the report of the learned JMJC, Amritsar, has been received, stating that though summons were issued to the prosecution witnesses, including to the complainant, to appear before that court on 01.11.2019 and 15.11.2019, they have been received back unserved, with the result that the complainant has not been examined so far.

That being so, without making any comment on the actual merits of the case, with no other criminal case stated to be registered against the petitioner as per the instructions of the learned State counsel, the petitioner is ordered to be admitted to interim bail, till the next date of hearing before this court, on his furnishing adequate bail and surety bonds to the satisfaction of the trial court.

Adjourned to 18.12.2019.”

Thereafter on 18.12.2019, it was observed that the police official could not tell about the factual position whether the complainants have been examined by the trial Court or not. The interim bail granted to the accused was extended.

Today, on a pointed query, learned State counsel on instructions from HC Dilbagh Singh submitted that since 19.11.2019 till date the case was adjourned five times by the trial Court, but still the complainants have not been examined before the trial Court.

The alleged complicity of the petitioners is in terms of offence under Sections 420, 120-B IPC.

In view of interim orders passed by this Court on earlier

occasions and in terms of Section 437(6) Cr.P.C., the trial has to be concluded within a period of sixty days from the first date fixed for taking evidence in the case. Evidently, the said period has already been expired. Only a formal witness has been examined so far.

Though the right to claim bail under Section 437(6) Cr.P.C. is not absolute and the same can be rejected for the reasons to be recorded in writing by the Magistrate, but keeping in view the delay in disposal of the case at the instance of the prosecution, no fault can be attributed to the petitioners at this stage.

In view of aforesaid reasons, I deem it appropriate to grant indulgence in favour of the petitioners, who are already on interim bail vide order dated 19.11.2019.

In view of above, both the petitions are allowed. Petitioners are ordered to be admitted to regular bail subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

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

February 25, 2020

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No