

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

207

CRM-M-8285-2021 (O&M)

Date of Decision : September 29, 2021

GURJANT SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. A.P.S. Sandhu, Advocate for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

Through Video Conferencing

JASGURPREET SINGH PURI. J. (Oral)

CRM-32399-2021

Allowed, as prayed for.

CRM-32398-2021:

The present application has been filed under Section 482 of the Code of Criminal Procedure for placing on record the Annexure P-4 which are zimini orders starting from 06.11.2019.

The application is allowed and Annexure P-4 is taken on record subject to all just exceptions.

MAIN CASE:

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.96, dated 16.06.2019, under Sections 302, 34 IPC, Police Station Gharinda, District Amritsar Rural, Amritsar.

The learned counsel for the petitioner has submitted that

earlier also the petitioner had filed a bail application before this Court but the same was dismissed as withdrawn on 30.09.2020 in view of the fact that at that point of time, although no prosecution witness was examined but due to Covid pandemic, the progress of the trial was not commencing. He further submitted that now even after opening of the Courts, still the trial of the case has not progressed because no prosecution witness has been examined by the State. He has submitted that even the complainant namely Manjinder Singh has not been examined despite the fact that for a number of times bailable warrants were issued against him. He submitted that due to the change of circumstance that the custody of the petitioner has been more than two years i.e. from 19.06.2019, the petitioner is facing incarceration and the trial is not progressing due to the fault of the prosecution and, therefore, he may be considered for the grant of regular bail. He has further submitted that the petitioner is not involved in any other case and he has been falsely implicated in the present case. While referring to the zimini orders, which have been placed on record as Annexure P-4, he has submitted that the charges in the present case were framed on 06.11.2019 and thereafter, for a long period of time, the matter was adjourned for the evidence of the the complainant namely Manjinder Singh and summons were also issued to the remaining prosecution witnesses as per the list of witnesses. Repeatedly fresh bailable warrants were issued against the complainant Manjinder Singh but till date he has not been examined. Even after the opening of the Courts, which were earlier having restricted hearing due to Corona Virus, no progress has taken place in the trial, which is evident from the zimini orders

(Annexure P-4) and since the trial of the case would take long time, he may be granted the regular bail.

On the other hand, Mr. Sandhu, learned AAG, Punjab has submitted that it is correct that the petitioner is in custody since 19.06.2019 and the petitioner is not involved in any other case and has no bad antecedents. He submitted on instructions that only one prosecution witness namely Tarsem Singh has been examined and that also only examination-in-chief has been conducted but the complainant Manjinder Singh has not been examined.

I have heard the learned counsels of the parties.

No justification is coming from the State as to why there was a delay in examination of the prosecution witnesses despite the fact that the complainant Manjinder Singh was summoned a number of times throughailable warrants. Even by excluding the time when the Courts were having restricted hearing due to the Corona Virus pandemic, still the zimini orders would show that there has been no progress in the trial. The petitioner was although named in the FIR but as per the learned counsel for the petitioner, he was falsely implicated. The petitioner is facing incarceration for more than two years and there is no other case against the petitioner. The long custody of the petitioner and the non-progression of the trial even after the withdrawal of the earlier bail application would certainly become a ground for maintaining the second bail application.

In view of the above and taking into consideration the totality of the facts and circumstances of the present case, I deem it fit

and proper to grant bail to the petitioner.

Consequently, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and shall be meant only for the decision of present petition.

September 29, 2021
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No