

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

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**CRM-M-8544-2021 (O&M)
Date of decision : 30.04.2021**

Jagtar Singh Hawara

.....Petitioner

Vs.

Union Territory Chandigarh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Bhanu Pratap Singh, Advocate for the petitioner.

Mr. Ashu Mohan Punchhi, PP, U.T. Chandigarh with
Mr. Anupam Bansal, Addl. PP, U.T.Chandigarh.

ALKA SARIN, J.

Heard through video conferencing.

This is the first regular bail petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in FIR No.271 dated 11.07.2005 (Annexure P-1) under Sections 121, 121-A, 122, 153, 120-B of the Indian Penal Code, 1860 and Section 25, 54, 59 of the Arms Act, 1959 and Sections 4, 5, 6 of the Explosive Substances Act, 1908 registered at Police Station Sector-17, District Chandigarh.

Learned counsel for the petitioner has contended that the petitioner is in custody for the last more than 15 years and till today the trial has not commenced qua him and that the other co-accused in the present FIR have already been acquitted vide judgment dated 27.05.2010. Learned counsel would further contend that the petitioner even if is granted bail by this Court in the present FIR, he would still not be released from custody as he is already undergoing life sentence in FIR No.96 of 1995 and other cases

are also pending against him and the only purpose of filing the present petition for regular bail is to enable the petitioner to initiate his parole application in FIR No.96 of 1995.

Mr. Punchhi, learned Public Prosecutor, U.T. Chandigarh has opposed the bail application and contended that the petitioner is a dreaded criminal against whom 37 criminal cases stand registered and one of the cases in which the petitioner has been convicted and sentenced related to the assassination of the former Chief Minister of Punjab, Sardar Beant Singh. He has further contended that the petitioner was convicted and sentenced for assassination of the Ex-Chief Minister of Punjab, Sardar Beant Singh and by an order passed by the Delhi High Court in Criminal Appeal No.731-DB of 2007, the death sentenced awarded to him by the Trial Court was commuted to imprisonment for life with a direction that he shall not be released from the prison for the rest of his life. Learned counsel has further contended that even in the present case there are very serious allegations against the petitioner of waging war against the Government of India and doing acts for revival of terrorism and formation of Khalistan. Learned Public Prosecutor has further contended that the trial in the case of the petitioner has not commenced due to very peculiar circumstances inasmuch as a notification under Section 268 CrPC has been issued by the Chandigarh Administration and the report is yet to be submitted by the Chandigarh Administration subject to which trial in the case would commence. Learned Public Prosecutor has further contended that the only purpose, as even stated by the petitioner in the petition itself, for filing the present bail petition is to enable

the petitioner to initiate his parole application in FIR No.96 of 1995 in which the petitioner is undergoing sentence and is lodged in Tihar Jail.

I have heard learned counsel for the parties.

In the present case, the undisputed fact is that there are multiple cases registered against the petitioner and in one of the cases in which he has been convicted and sentenced relates to the assassination of the Former Chief Minister of Punjab, Sardar Beant Singh, in which the petitioner has been convicted and sentenced to undergo life imprisonment with a specific direction that he should not be released from prison for the rest of his life. In the present case, there are serious allegations against the petitioner of waging war against the Government of India and indulging in revival of terrorism and formation of Khalistan. It has also been noticed by the Trial Court that it had already written to the authorities of Chandigarh Administration to intimate about the status of notification under Section 268 CrPC whereupon necessary orders of commencement of trial would be passed.

In view of the above and keeping in mind the gravity of the offence, I do not find this to be a fit case for grant of regular bail to the petitioner. The petition is hence dismissed.

However, it is made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

April 30, 2021
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(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No