

CRM-M-23257-2021(O&M)

Date of decision : 08.09.2021

Harpal Singh @ Bhala

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Rahul Bhargava, Advocate for the petitioner.

Mr. Sandeep Vermani, Addl. AG Punjab.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is the third petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.9 dated 28.01.2019 under Sections 307 and 34 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 registered at Police Station Bhaini Mian Khan, District Gurdaspur.

Learned counsel for the petitioner would contend that earlier the petitioner had filed the petitions being CRM-M-30928-2019 and CRM-M-821-2021 which were dismissed as withdrawn on 12.11.2020 and 14.01.2021, respectively. Learned counsel for the petitioner would further contend that despite the charges having been framed on 08.09.2019, till date only 8 out of 32 prosecution witnesses have been examined. He would further contend that no injury has been attributed to the petitioner in the present case and the bullet injury has been attributed to the co-accused. Learned counsel for the petitioner would further contend that the petitioner has been in custody for the last 02 years and 06 months and there is no other

case pending against the petitioner.

In the status report filed by way of affidavit of Sh. Kulwinder Singh, PPS, Deputy Superintendent of Police, Rural District Gurdaspur it has been stated that the weapon used in the present case has been recovered from the co-accused and mobile phone make Samsung and motorcycle (Discovery) bearing Registration No.PB-02-CP-5639 were recovered from the petitioner. Learned counsel for the State is not in a position to deny the fact that despite the charges having been framed on 08.09.2019, only 8 out of 32 prosecution witnesses have been examined.

Heard learned counsel for the parties.

In view of the above and without commenting upon the merits of the case and also considering the facts that the petitioner has been in custody for the last 02 years and 06 months and the trial is likely to take some time to conclude, I deem this to be a fit case for grant of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

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

Disposed off.

08.09.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO