

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

CRM-M-22227-2020 (O&M)

Date of decision: 25.03.2021

Gurpreet Singh @ Gopi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. B. S. Kathuria, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 92 dated 20.06.2016, registered under Sections 307, 148, 149 of the IPC; Section 25 of the Arms Act, 1959 and Section 21 of the NDPS Act, 1985 at Police Station Sadar Phagwara, District Kapurthala.

The first petition, bearing CRM-M-45181-2017, was dismissed as withdrawn on 24.08.2018.

On 28.08.2020, noticing the fact that petitioner is in long custody and facing some treatment for his swollen leg, he was granted concession of interim bail, which is continuing till date as per subsequent orders.

On 13.01.2021, a report was sought from the trial Court about the delay in conclusion of trial.

Learned State counsel has filed the custody certificate today, as

per which, the petitioner is involved in number of other cases, though he is on bail in some of those cases.

In pursuance to order dated 13.01.2021, the trial Court has submitted a report dated 22.03.2021, wherein it is stated that on 15.03.2021, six prosecution witnesses were given up by the Prosecutor and the statement of PW-3, PW-4 and PW-5 was recorded, however, the petitioner moved an application for exemption through his counsel. Later on, the statement of PW-5/IO again could not be recorded as the petitioner again moved an application for exemption.

From the aforesaid report, it is apparent that petitioner, after availing the interim bail, is misusing the same by moving repeated applications for exemption, so as to delay the trial, whereas the thrust of this Court as well as the trial Court is to conclude the trial expeditiously.

Accordingly, the present petition is dismissed.

The petitioner is directed to surrender before the trial Court forthwith.

Considering the long pendency of the cases, the trial Court is directed that in case any of the accused persons, who is on bail, apply for exemption, the same will be declined and the bail/surety bonds will be cancelled and all the accused persons, who seek exemption on the date when the prosecution witnesses are present, will be taken in custody.

25.03.2021

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No