

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

CRM-M No. 29645 of 2021

Date of decision: 13.08.2021

Buta Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Judgepreet Singh Warring, Advocate,
for the petitioner.

Mr. Luvinder Sofat, Assistant Advocate General, Punjab.

(Presence marked through video conferencing).

ARUN MONGA, J. (ORAL)

This is second foray of petitioner before this court, seeking regular bail in FIR No. 108 dated 05.07.2015, registered under Sections 302, 307, 507, 34 IPC read with Sections 25/27 of the Arms Act, 1959 (Section 25 of the Arms Act deleted later on) at Police Station, Nehianwala, District Bathinda, having got the first petition dismissed as not pressed on 02.09.2020. However, his alternate prayer for interim bail on medical grounds for a period of five months was accepted.

2. Per prosecution, on 05.07.2015, the petitioner and his co-accused, Gurnam Singh fired gun shots on Gurjit Singh and Raju from their .12 bore gun. Gurjit Singh succumbed to a gun shot injury.

3. Learned counsel for the petitioner submits that the petitioner is in custody since 06.09.2015 i.e. almost 6 years, though in between, on medical grounds he was granted interim bail by this court for a period of five

months. He submits that no useful purpose would be served by keeping the petitioner in preventive custody any more. Particularly, when his medical condition requires regular treatment and special care and attention, contends the counsel.

4. Learned State counsel opposes the prayer made by the petitioner and submits, inter Alia, that the petitioner is likely to flee from pending trial to avoid facing the consequences thereof.

5. I have heard rival contentions of the respective learned counsels.

6. The argument of the learned State counsel that the petitioner is likely to influence the witnesses and/or abscond during the pendency of the trial, *prima facie* does not seem to be tenable in view of the fact that concededly prosecution evidence has concluded and it is only the defence evidence which is pending. That apart, the petitioner had surrendered after completion of the interim bail earlier granted to him on medical grounds and did not misuse the concession. In any case, the said apprehension can be allayed by directing the petitioner to report to the Investigating Officer/ Station House Officer concerned during the pendency of the trial after every 10 days at 10.00 a.m. i.e. thrice a month.

7. Considering the overall scenario, coupled with prolonged pre-trial detention already undergone, without commenting on the merits of the case, this petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody. The pending trial is also not likely to conclude anytime soon as the courts are currently functioning under certain restrictions caused by Covid-19 pandemic and till outcome thereof, to keep petitioner in custody merely on the ground of apprehension seems to be improper and unfair at this stage.

8. Accordingly, petitioner is directed to be released on bail pending his trial, on his furnishing bail bonds and surety bonds to the satisfaction of learned Sessions/trial court where his case is being tried.

13.08.2021

vs

(Arun Monga)

Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No