

**CRM-M-41665-2021**

**Date of Decision: 25.11.2021**

**Davinder Singh alias Goru alias Gaurav**

**.....Petitioner**

**Vs.**

**State of Punjab**

**.....Respondent**

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH**

Present: Mr. Anil Kumar Spehia, Advocate, for the petitioner.

Mr. Munish Sharma, A.A.G., Haryana.

**\*\*\*\*\***

**AMOL RATTAN SINGH, J. (ORAL)**

This petition has been filed under the provisions of Section 439 of the Cr.P.C., for grant of 'regular bail' to the petitioner in case FIR No. 171, dated 13.10.2016, registered at Police Station Division No. 5, Police Commissionerate Jalandhar, for the alleged commission of offences punishable under the provisions of Sections 302/148/149 of the IPC.

At the outset, it is to be noticed that the petitioner at the time of the alleged commission of the offence, in October 2016, is stated to have been 17 years and 03 months of age and is being tried as a child in conflict with law, with this being the 4<sup>th</sup> petition filed by him under the provisions of Section 439 of the Cr.P.C., all other petitions having been withdrawn when this court was not inclined to admit him to bail, he being the prime accused who is alleged to have caused the death of the deceased, allegedly by giving him a knife blow in the abdomen (though with other injuries also caused by his co-accused).

The last petition filed by the petitioner was withdrawn by

counsel for the petitioner appearing at that stage on 17.03.2021, when this court (this very Bench) was not inclined to admit him to bail, in view of his role and more so because the trial at that stage was shown to be at his absolute fag end, with all prosecution witnesses having been examined (as has been noticed) in that order dated 17.03.2021, Annexure P-2 with the petition).

Learned counsel for the petitioner however submits that the petitioner has now been in custody for the past 05 years and 01 month, with the trial still not having concluded, as an application under the provisions of Section 311 of the Cr.P.C. was filed before the trial court by the prosecution, which was allowed by that court on 13.09.2021.

Upon query, learned State counsel submits that thereafter, out of 28 prosecution witnesses, 13 have been examined, with the next date of hearing before the trial court being 15.12.2021.

Simply looking at the age of the petitioner at the time that he alleged to have committed an offence and the long period of custody of more than 05 years, without making any comment on the actual merits of the case, also seems that as per instructions of learned State counsel there is no other criminal case registered against him, the petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/Duty Magistrate/Chief Judicial Magistrate concerned.

**November 25, 2021**  
nitin

Whether speaking/reasoned  
Whether Reportable

**(AMOL RATTAN SINGH)**  
**JUDGE**  
Yes  
No.