

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

**CRM-M No.39971 of 2019 (O&M)
Date of decision : 22.01.2021**

Deepak Kumar Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Narinder Singh, Advocate for the petitioner.

Mr. Sandeep Vermani, Addl. A.G., Punjab.

Mr. C.S.Jattana, Advocate for the complainant.

AJAY TEWARI, J. (Oral)

This second petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.0224 dated 29.11.2017 registered under Sections 302/34/201 IPC at Police Station Urban Estate Patiala, District Patiala.

Custody certificate by way of affidavit of Harcharan Singh Gill, PPS, Deputy Superintendent, Central Prison, Patiala has been filed and the same is taken on record. As per the custody certificate, the petitioner has been in custody for 03 years, 01 month and 10 days.

It is stated that out of 32 witnesses, 14 have been examined and 3 are present today for their examination.

Counsel for the petitioner has argued that this is a case of circumstantial evidence and the only thing on which they are hoping to convict the petitioner is the last seen evidence but there is no corroboration of the same and has prayed that in these circumstances he is entitled to bail.

In my considered opinion, this is not a complete argument and therefore, the mere fact that it is only a case of last seen evidence can not give rise to a presumption that the petitioner had not committed the act. It however cannot be denied that the petitioner has been in custody for 03 years, 01 month and 10 days.

Learned State counsel states that 14 witnesses have been examined and 3 more are present today and instead of releasing the petitioner on bail, it would be appropriate to put a time cap on the trial and in case the accused does not obstruct the trial the prosecution will lead its entire evidence on or before 31.03.2021 and till such time the bail should not be granted to the petitioner.

I find this to be a fair submission. In the circumstances, in view of the undertaking given by the learned State counsel, it is directed that in case the prosecution does not lead its entire evidence on or before 31.03.2021 (subject to the accused not obstructing the same) the petitioner be released on bail to the satisfaction of the trial Court.

Petition stands disposed of in the above terms.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

22.01.2021

Pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No