

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

**CRM-M-1312-2022 (O&M)
Date of Decision: 21.11.2022**

Gurdeep Singh alias Bohra.....Petitioner

Versus

State of Punjab..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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Present: Mr. Ashish Gupta, Advocate
for the petitioner.

Ms. Jasleen Kaur Sidhu, DAG, Punjab.

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MANJARI NEHRU KAUL, J. (Oral)

This is second petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No. 0045 dated 01.04.2021 under Sections 436, 379B, 354, 506, 148, 149 IPC (Section 201 IPC added later on) registered at Police Station Nihal Singh Wala, District Moga.

Learned counsel for the petitioner submits that subsequent to the withdrawal of the previous petition seeking similar relief on 28.09.2021 charges have been framed and the case has been fixed for evidence before the trial court. However, on account of the non-appearance of the complainant the case has been adjourned time and again. It has been further submitted that not even one prosecution witness out of the 18 cited has been examined and there is no likelihood of the complainant even stepping into the witness box to get his evidence recorded in the near future as admittedly

he is not even residing in India. On merits, it has been submitted that a perusal of the allegations levelled in the FIR, which has been annexed as Annexure P1, leaves no manner of doubt that the alleged occurrence had taken place at the spur of the moment and the only role attributed to the petitioner was of holding the arm of the complainant's wife when the co-accused tried to rob the complainant party of their valuables. Learned counsel submits that there was no motive on the part of the petitioner to commit the offence in question and in fact he had only intervened when the quarrel took place between the complainant and the co-accused and tried to pacify both the parties.

Per contra learned counsel for the State on instructions while opposing the prayer has conceded that the only role attributed to the petitioner in the crime in question is of holding back the complainant's wife from her arm. She has also very fairly conceded that other than this, during investigation no other material had come to the notice of the Investigating agency against the petitioner. On a pointed query put to the learned State counsel as to why the trial had not made any progress even though the charges were framed way back on 14.08.2021, she on instructions apprised the court that the complainant had indeed returned to Canada as a result of which evidence of the material witnesses could not be recorded.

I have heard the learned counsel and perused the relevant material on record.

The petitioner has been in custody since 02.04.2021 and there is no likelihood of the trial concluding in the near future. Hence, in the facts and circumstances of the case, the instant petition is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty

21.11.2022
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(MANJARI NEHRU KAUL)
JUDGE

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No