

214 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1420 of 2021(O&M)

Date of Decision: 14.10.2022

Surinder Singh @ Sukh Deol

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. K.S. Dhillon, Advocate
For the petitioner.**

Mr. C.L. Panwar, Addl. AG Punjab.

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case having FIR No. 06 dated 04.11.2019 registered under Sections 120-B of IPC and Sections 10, 13, 17, 18, 20, 38, 39 and 40 of the Unlawful Activities (Prevention) Act, 1967 registered at Police Station State Special Operations Cell, SAS Nagar, District Intelligence Wing (CID), SAS Nagar.

The counsel for the petitioner submits that the petitioner was falsely implicated in the present case and was nominated as accused on the basis of some chat alleged to be exchanged between the petitioner and one Lakhvir Singh. The counsel for the petitioner further submits that the petitioner is in custody for the last more than 02 years and 07 months and is having no criminal history and no incriminating article was recovered from his possession during the investigation of this case. The counsel for the

petitioner further submits that the trial is not progressing ahead as till date only one prosecution witness has been examined. The counsel for the petitioner further submits that co-accused Surender Kaur @ Sukhpreet Kaur who was named in the FIR has already been given benefit of regular bail by the Co-ordinate Bench of this Court vide order dated 05.01.2021 (Annexure P-2). The counsel for the petitioner further made prayer that the petitioner is entitled to grant of regular bail as the trial is going at a snail's pace.

The present petition is contested by the State counsel who on instructions from SI Ravinder Singh has submitted that the petitioner is facing serious allegations and has been charged under various provisions of Unlawful Activities (Prevention) Act having been involved in anti-national activities. The State counsel further submits that the present petitioner was in contact with main accused Lakhvir Singh and both of them used to chat with each other on internet and the petitioner was to supply arms to said Lakhvir Singh which were to be used by Lakhvir Singh to create unrest in the State of Punjab and he also supported the referendum 2020 with regard to creation of Khalistan. The State counsel, however, has not disputed the fact that the petitioner is in custody for the last more than 02 years and 07 months and is having no criminal antecedents and that co-accused Surender Kaur has been granted bail vide order (Annexure P-2) and that till date out of total 18 witnesses only 01 witness has been examined by the prosecution and no incriminating article has been recovered from the possession of the present petitioner.

I have considered the submissions made by counsel for the parties.

Admittedly, the petitioner was not named in the FIR and he was nominated as accused after the arrest of co-accused Lakhvir Singh, on the basis of the record of chat exchanged between the two and as per the custody certificate the petitioner is now languishing behind the bars for the last more than 02 years and 07 months and is not involved in any other criminal case. During investigation no incriminating article was recovered at the instance of the petitioner. The only allegations against the petitioner are that he was to supply arms to main accused Lakhvir Singh. No such weapon has been recovered from the possession of the petitioner. Further, co-accused Surender Kaur who was named in the FIR has been granted concession of regular bail vide order dated 05.01.2021 (Annexure P-2) by the Co-ordinate Bench of this Court. Besides this, the trial is not progressing further as till date only one prosecution witness has been examined out of total 18 prosecution witnesses. It will take considerable time for the trial to conclude. So, no fruitful purpose is going to be served by keeping the petitioner in custody for any longer period.

Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

14.10.2022
Jiten

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No