

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.202

CRM-M-10339-2020 (O&M)

Date of decision : 27.01.2022

Akul @ Khatri

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Dinesh Mahajan, Advocate, for the petitioner.

Ms. Ambika Bedi, AAG, Punjab.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks regular bail in case FIR No.127 dated 10.08.2016, registered at Police Station Sadar Tarn Taran, District Tarn Taran, under Sections 364, 302, 148, 149 IPC (Sections 115, 216, 216-A, 120-B and 473 IPC added later on) and Section 25 of the Arms Act, 1959.

Learned counsel for the petitioner submits that the petitioner has been in custody for almost 04 years. He has been implicated in this case on a supplementary statement of the complainant. Apart from the petitioner, there are 08 other accused and all of them have been granted regular bail. Thus, the petitioner may be granted regular bail.

A perusal of the custody certificate dated 31.08.2021 shows that the petitioner had been in custody for 03 years, 08 months and 04 days as on the date of the certificate. There are 10 other criminal cases pending against him.

Learned State counsel submits that the petitioner is a habitual criminal as is evident from the number of cases pending against him. Thus, it would not be safe to grant him regular bail.

On instructions from the Investigating Officer, she submits that only 21 PWs have been examined out of a total of 42 PWs. The number mentioned on the previous date was erroneous.

It is thus, obvious that the petitioner has been in custody for over 04 years. The trial is not likely to be concluded at an early date as 50% of the PWs have yet to be examined. It is not disputed that co-accused having a similar role have been granted regular bail. Although, the custody certificate shows that there are large number of other criminal cases pending against the petitioner, he cannot be indefinitely confined to prison awaiting the conclusion of the trial. Measures can be imposed to ensure that he does not commit any crime while on bail.

In view of above, the petition is allowed. It is directed that the petitioner be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Illaq Magistrate, concerned.

While granting bail, the trial Court/Illaq Magistrate may impose suitable conditions to ensure that the petitioner is kept in check even while he is on bail. The petitioner shall mark his presence before the local police station after every 04 weeks from the date of his release, apart from depositing his passport in the trial Court.

(SUDHIR MITTAL)
JUDGE

27.01.2022

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No