

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

234

CRM-M-19963-2022(O & M)
Date of Decision : July 18, 2022

SARWAN SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr.Sunil Kumar Pandey, Advocate for
 Mr.Vishwajit Bedi, Advocate
 for the petitioner

 Mr.R.S.Thind, DAG Punjab.

 Mr.Veneet Sharma, Advocate
 For the complainant

JASGURPREET SINGH PURI . J. (Oral)

The present is a second petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.160 dated 07.08.2018 under Sections 302 and 120-B of the Indian Penal Code, registered at Police Station Lopoke, District Amritsar (Rural).

It has been submitted by learned counsel for the petitioner that earlier he had filed a petition for regular bail vide CRM-M-23643-2020, and he had withdrawn the same on 31.03.2022.

He submitted that although there is no change of circumstance after withdrawal of the earlier petition, which was only about three months ago but considering the custody of the petitioner, he may be considered for grant of regular bail.

On the other hand, learned State counsel submitted that the petitioner was the main conspirator and he had supplied the *kirpan* to the co-accused, who committed the murder and the motorcycle used in the crime and the sword were also recovered from the petitioner. He further submitted that the petitioner has committed a heinous crime and in case the petitioner is released on bail, he may abscond and therefore, has opposed the grant of bail. He also submitted that the present second bail petition would not be maintainable unless there is a change of circumstance, since the petitioner himself had filed the earlier bail petition which was withdrawn by him on 31.03.2022, which is only about 3½ months ago.

I have heard learned counsel for the parties.

The earlier petition was withdrawn by the petitioner about 3½ months ago and as per learned counsel for the petitioner himself there is no change in the circumstance thereafter. Apart from the same, the role assigned to the petitioner was that he had supplied the *kirpan*/sword to the co-accused who had allegedly committed the offence of murder and the said sword and motorcycle used in the crime were recovered from the petitioner as per the learned State counsel.

The apprehension by the learned State counsel that in case the petitioner is released on bail there is a likelihood that he may abscond, cannot be ignored.

In view of the aforesaid facts and circumstances, this Court is not inclined to grant bail to the petitioner and consequently the petition is dismissed.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

However, it has been brought to the notice of this Court that the petitioner is above the age of 60 years and he is in custody from 11.08.2018, which is about 04 years and as per the learned State counsel, out of 24 prosecution witnesses, 13 witnesses have already been examined and therefore this Court is of the considered opinion that it will be just and appropriate to direct the trial Court to expedite the trial and to decide the same as early as possible, preferably within a period of six months.

A copy of this order be forwarded to the learned trial Court.

(JASGURPREET SINGH PURI)
JUDGE

18.07.2022

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Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No