

CRM-M-42438-2022

Date of decision: 20.09.2022

Avtar Singh @ Gholi

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**Present:** Mr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Sukhcharan Singh Gill, Advocate
for the petitioner.

Mr. Amit Shukla, A.A.G., Punjab.

NAMIT KUMAR, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in a case bearing FIR No.71 dated 22.05.2021 under Sections 302/307/506/34 of IPC and Sections 25/27 of Arms Act, charge sheet presented under Sections 302/307/447/506/511/34 of IPC, Sections 27/54/59 of Arms Act and Sections 181/192 of Motor Vehicles Act, 1988, registered at Police Station Mullanpur Garibdass, District SAS Nagar Mohali (Annexure P-1).

Learned Senior Counsel contends that the only allegation against the petitioner is that the petitioner-Avtar Singh @ Gholi came to the fields and raised *lalkara* and said that no one should be escaped. It is further submitted that the applicant is an old man around 62 years of age and no other criminal case is pending against him. Learned Senior Counsel for the petitioner further submits that the challan has already been presented

on 19.08.2021, charges have also been framed and the case is now fixed for prosecution evidence on 28.09.2022. He further submits that there are total 31 prosecution witnesses and as on date, none of them has been examined.

The learned State counsel has filed the custody certificate in the Court and the same is taken on record. Perusal of the same shows that the petitioner is in custody for the last 01 year, 03 months and 19 days and no other case is pending against him. The learned State counsel does not dispute the above said factual position and also the role of the petitioner.

Heard counsel of both the parties and perused the records.

Keeping in view the period of incarceration and since the challan has already been presented against the petitioner and the likelihood of trial being prolonged, the present petition is allowed. Culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused-petitioner.

Thus, without commenting upon the merits of the case, the petitioner is ordered to be released on bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

The petition stands disposed off accordingly.

20.09.2022

Neha

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No