

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

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**CRM-M-49168-2021
Decided on : 30.05.2022**

Amandeep Singh

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. S.P.S. Sidhu, Advocate
for the petitioner.

Mr. Abhay Pal Singh Gill, AAG, Punjab
assisted by ASI Amanjeet Singh.

MANJARI NEHRU KAUL, J. (Oral)

This is the second petition filed under Section 439 Cr.P.C. for grant of bail to the petitioner in case FIR No. 70, dated 21.09.2019, under Sections 302, 452, 324, 323, 148, 149, 120-B of IPC, registered at Police Station Talwandi Bhai, District Ferozepur (annexed as Annexure P-1).

Learned counsel for the petitioner *inter alia* contends that the petitioner, who has been in custody for close to 3 years, having been arrested on 24th September, 2019, has been falsely implicated in the case in hand, the only role attributed to him in the occurrence in question, is a simple injury with an iron rod on the right shoulder of the complainant i.e. Harjinder Kaur. While inviting the attention of this Court to the allegations levelled in the FIR in question, he further submits that a perusal of the same reveals that other than the aforementioned, no other role has been attributed to the petitioner, much less, any injury on the deceased. Learned counsel further submits that though the challan was presented way-back on 20th December, 2019, charges have yet not been framed and hence, there is no

likelihood of the trial concluding in the near future. It has, thus, been prayed that further incarceration of the petitioner in the aforementioned circumstances would serve no useful purpose and he be granted the concession of bail.

Per contra, learned State counsel, while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Amanjeet Singh, has not been able to controvert the factual aspect of the submissions made by the counsel opposite with respect to the role attributed to the petitioner in the crime in question. Learned State counsel has conceded that there has indeed been a delay in the progress of the trial. While drawing the attention of this Court to the reply filed by the State, the learned State counsel has submitted that it is on account of non-availability of a police escort, the petitioner could not be before the trial Court on various dates of hearing. Learned State counsel has further submitted that the co-accused are lodged in different jails, which is also one of the reasons for the delay, as the jail authorities had failed to produce them on some dates of hearing. Learned State counsel has conceded that the petitioner is not involved in any other criminal case.

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

This is yet another case where on account of the lackadaisical approach of the jail authorities concerned, the petitioner as well as the co-accused have not been produced before the trial Court on various dates of hearings. The trial has, therefore, been delayed and come to a virtual standstill. This Court would like to again observe here that the petitioner cannot be left languishing for an indefinite period during the pendency of a

trial for reasons not attributable to him. It needs to be reiterated that the right to life and personal liberty granted by the Constitution of India also covers the right to speedy trial. Therefore, when an under trial has been in custody for a significant period of time and the trial is being held up for no fault on his part, like in the case in hand, the Courts cannot be expected to be a mute spectator and should rather unhesitatingly interfere for securing the personal liberty of an under trial.

Concededly the petitioner is not attributed any injury, much less, the fatal injury on the person of the deceased. He is only attributed a simple injury with an iron rod on the complainant, as also conceded by the learned State counsel. Hence, in the facts and circumstances as enumerated here-in-above, this Court deems it fit to extend the concession of bail to the petitioner during the pendency of the trial, as he has now been in custody for close to 3 years, having been arrested on 24th September, 2019, coupled with the fact that he is not involved in any other criminal case. The petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that any observation made here-in-above shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

May 30, 2022

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No