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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51665-2022
Date of decision: 05.12.2022

AVTAR SINGH @ TARI

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Jasraj Singh, Advocate
for the petitioner.

Mr. Mohit Kapoor, Addl. A. G., Punjab.

JAISHREE THAKUR, J. (Oral)

1. This is the fourth petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.0034 dated 28.02.2016, under Sections 364, 120-B and 34 of the IPC (Sections 302 and 201 added later on), registered at Police Station Mehtiana, District Hoshiarpur, Punjab.
2. The only change in the circumstances as per the learned counsel for the petitioner would be that the trial is not proceeding. He would submit that the material witnesses have been examined and no useful purpose would be served in keeping the petitioner behind the bars.
3. Learned State counsel would oppose the grant of regular bail to the petitioner by contending that the petitioner has been implicated under Section 302 of the IPC i.e. involving murder of his wife.

4. Learned counsel for the petitioner would contend that in fact, the entire case is based upon the circumstantial evidence and there is no direct evidence against the petitioner, which argument is opposed by learned State counsel by stating that the recoveries have been effected. As far as the bail granted to the co-accused is concerned, it was only on account of his implication under Section 201 IPC only.

5. I have heard learned counsel for the parties and have also perused the zimni orders that have been attached with the present bail application.

6. I find that no effective hearing has taken place, however, since the trial is at the fag end with only official witnesses remaining to be examined, the instant petition is disposed of with a direction to the trial Court to conclude the trial expeditiously, preferably within a period of three months from the date of receipt of certified copy of this order, considering the fact that the petitioner is continuing in custody in this case for almost seven years.

05.12.2022
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No