

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

220

CRM-M-2940-2020 (O&M)

Date of Decision: 23.09.2022

GURWINDER SINGH @ SUKHWINDER SINGH @ MUNJ

...Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. TS Hundal, Advocate
for the petitioner.

Mr. IPS Sabharwal, DAG Punjab.

HARNARESH SINGH GILL, J.(Oral)

The petitioner, by way of the present petition, seeks regular bail in case bearing FIR No.151 dated 07.11.2018, registered at Police Station Dayalpura, District Bathinda, under Sections 302, 452 and 34 IPC and Section 3 of SC & ST Act.

Learned counsel for the petitioner submits that the only allegations against the petitioner are that he had raised lalkara and caught hold the deceased, while the co-accused was inflicting fatal injury on his person; that the petitioner has been in custody for the last more than three years and ten months and that some of the prosecution witnesses are yet to be examined.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner had

actively participated in the occurrence, inasmuch as, he had caught hold the deceased and that the petitioner has specifically been named in the FIR and a specific role has been attributed to the petitioner. He further submits that one prosecution witness is yet to be examined.

I have heard the learned counsel for the parties.

Though, the petitioner had caught hold the deceased, yet the fact remains that he has been in custody for the last more than three years and ten months. Fatal injury, on the person of the deceased, has been attributed to the co-accused. One prosecution witness is yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

23.09.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>