

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

215

CRM-M-1521-2021

Date of decision: 12.09.2023

Gurmail Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Bipan Ghai, Senior Advocate with
Mr. Shubham Mangla, Advocate and
Mr. Sahdev, Advocate, for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

Mr. C.M. Munjal, Advocate, for the complainant.

AMAN CHAUDHARY, J.

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.240, dated 16.07.2020, registered under Sections 302, 325, 341, 379, 323 and 201 IPC at Police Station City Faridkot.

2. Learned counsel contends that the petitioner is in custody for 3 years and about 2 months. There is a delay of 4 days in lodging the FIR. The alleged occurrence took place on 04.07.2020, MLR was conducted on 05.07.2020, whereafter, the injured (since deceased) had been discharged, who, however, died on 16.07.2020. PW-7, Dr. Harvinder Singh Chhabra, opined that the cause of death was cardiac tamponade. Charges were framed on 18.10.2021. Complainant and other material witnesses stand examined, however, there are still 13 more witnesses left. The petitioner is not involved in any other case.

3. The custody certificate dated 11.09.2023 has been filed by learned State counsel. As per the same, the petitioner is behind bars for 3 years, 1 month and 14 days.

4. Learned State counsel opposes the bail on the ground that there are specific allegations of inflicting injury over the chest against the petitioner, who is the main accused. He is however unable to controvert the submissions with regard to stage of the case, complainant and material witnesses having been examined and the petitioner being not involved in any other case.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 3 years, 1 month and 14 days; not involved in any other case; charges were framed wayback on 18.10.2021; 7 prosecution witnesses including complainant and other material witnesses stand examined, out of a total of 20, the trial is likely to take a considerable time, thus his further incarceration would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

7. As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to him not being required in any other case. The petitioner shall abide by the following conditions:-

- (i). The petitioner will not tamper with the evidence during the trial.
- (ii). The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii). The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.

- (iv). The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v). The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi). The petitioner shall not in any manner misuse his liberty.
- (vii). The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
- (viii). The petitioner shall not leave the country without prior permission of the trial Court.
- (ix). The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

8. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

9. In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

12.09.2023

Ankur

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No