

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

212

CRM-M-16749 of 2023

Date of Decision:28.07.2023

Simranjit Singh @ Bablu

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Umesh Aggarwal, Advocate, for
Mr. Sidhant Vermani, Advocate,
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.219 dated 05.10.2017, under Sections 302, 392, 216, 34, 120-B of the IPC and Section 25/27 of the Arms Act, registered at Police Station Sadar Amritsar, District Amritsar.

2. It has been submitted by learned counsel for the petitioner that it is a case where the petitioner is in custody from 25.10.2017 which is five years and nine months. He submitted that initially the charges were framed on 17.10.2018 but thereafter supplementary *challan* was presented and now the case is again fixed for consideration on the point of framing of charge. He submitted that the petitioner was not produced before the learned trial Court with effect from 25.07.2022 till 21.02.2023 and on 13.03.2023 he was produced through video call

but on that day, co-accused of the petitioner had not come and the case was adjourned for 11.05.2023. He submitted that on the last date of hearing, this Court had taken serious view with regard to the non-production of the petitioner which resulted in the delay of trial and consequently, the State was directed to file affidavit to fix responsibility of the officers/officials. He submitted that be that as it may, the present is a petition for grant of bail as he has already faced incarceration for about five years and ten months and now the case is fixed for fresh consideration on charges. Learned counsel submitted that it is a case where the FIR was registered on the basis of a complaint moved by the complainant that she had received an information that her son had been killed and on the basis of the aforesaid information, she had gone to the place where her son was lying dead and thereafter the petitioner and the other co-accused, namely, Sunny Dhawan @ Grela were arrested. He submitted that the aforesaid co-accused who is at parity with the present petitioner, has been extended the benefit of regular bail by this Court in CRM-M-48433 of 2022 on 01.03.2023 (Annexure P-3) on the ground of long custody of more than five years. He submitted that in view of the aforesaid position, wherein the petitioner has already faced incarceration for about five years and nine months for no fault of the petitioner, may be considered for the grant of regular bail.

3. On the other hand, Mr. Sarabjit Singh Cheema, learned DAG, Punjab while referring to the affidavit filed by the Deputy Superintendent of Prisons, Office of Additional Director General of Police, Prisons, Punjab, Chandigarh has submitted that now an enquiry is being conducted against the officers/officials who are responsible for non-production of the petitioner before the Court. So far as the

custody period of the present petitioner is concerned, he has not denied the same and has submitted that the petitioner is in custody for five years and nine months and also the other similarly situated co-accused, namely, Sunny Dhawan @ Grela has already been granted bail by this Court vide Annexure P-3 as aforesaid.

4. I have heard learned counsel for the parties.
5. It is a case where the petitioner has already faced incarceration for five years and nine months and till date no prosecution witness has been examined and even charges have not been framed so far. The other co-accused, namely, Sunny Dhawan @ Grela, who is at parity with the petitioner, has already been admitted to regular bail by this Court vide Annexures P-3. This Court is of the view that considering the long custody of the petitioner and the stage of the trial, the petitioner deserves the concession of regular bail in the light of Article 21 of the Constitution of India. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.
6. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of the present petition.

(JASGURPREET SINGH PURI)
JUDGE

July 28, 2023

dinesh	Whether speaking	:	Yes/No
	Whether reportable	:	Yes/No