

CRM-M-19615-2023
Decided on: 31.08.2023

Ranjit Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Taranjit Kaur Hundal, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0182	31.05.2020	City Phagwara, District Kapurthala	302, 34, 120-B IPC and Sections 402 & 411 IPC added later on

1. The petitioner, incarcerated upon his arrest in the FIR captioned above, came up before this Court under Section 439 of Code of Criminal Procedure, 1973 (CrPC) seeking bail.
2. The petitioner has not disclosed criminal antecedents; however, the representing counsel states on instructions that the accused has no criminal antecedents.
3. Petitioner's contention is that the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
4. State opposes the bail.

REASONING:

5. On 30th May 2020, the petitioner, who was the tenant of the deceased (old couple), got them killed by conspiring with the other co accused. As per state's reply the petitioner had played an active role and para 17 of the reply is relevant which reads as under:-

“That there are specific allegations against petitioner and other co-accused as they in connivance with each other have committed murder of Kirpal Singh and Davinder Kaur and said illegal act was committed by them in planned manner, as accused Suraj Kumar caught hold of arms of deceased and Jagdev Singh put cloth in the mouth of deceased and pressed his mouth due to which he died and at that time Ranjit Singh i.e. petitioner was standing outside

guarding the house so that nobody entered into the house and helping accused Jagdev and Suraj Kumar to commit murder of Kirpal Singh and Davinder Kaur. It is pertinent to mention here that petitioner suffered disclosure statement by admitting his guilt and his connivance with other accused in committing murder of Kirpal Singh and Davinder Kaur as such present petition is liable to be dismissed."

6. A perusal of the bail petition and the documents attached, prima facie points towards the petitioner's involvement and does not make out a case for bail. Any further discussions are likely to prejudice the petitioner; this court refrains from doing so.

7. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

The petition is dismissed. All pending applications, if any, stand closed. However, considering the petitioner's right to speedy trial coupled with the pre-trial incarceration, this court requests the concerned trial court to make all endeavours to conclude the trial by Dec 31, 2023, of which the prosecution evidence be completed by Oct 31, 2023, and latest by Nov 30, 2023, and the remaining time to provide an opportunity to the accused to lead defence evidence, if so desired, and to conclude its hearing. To meet the deadline, an endeavour be made to speed up the process for service and to pass the necessary directions in this regard. It is clarified that if expediting this trial disturbs the docket of the concerned court, then a balance be struck, and if, on this account, any delay happens, then an extension can be sought by mentioning such reasons. It is clarified that this order speeding up the trial is subject to the condition that neither the petitioner shall seek any adjournment nor try to use any tactics to delay the trial. If they do so, this order of expediting the trial shall stand automatically recalled by resorting to Section 362, read with Section 482 Code of Criminal Procedure, 1973, without any further reference to this court. If any of the accused is on bail and fail(s) to attend the trial without any sufficient cause, then they be dealt with strictly but in accordance with law. It is clarified that if the trial is not concluded by the date mentioned above, and if the delay is not attributable to the petitioner, then the petitioner may file an application for bail before the trial court, which shall decide it expeditiously and consider the bail on the grounds of pre-trial custody, and all the previous orders of dismissal passed by the trial court or High Court shall not come in the way.

(ANOOP CHITKARA)
JUDGE

31.08.2023
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Whether speaking/reasoned: Yes
Whether reportable: No.