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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19344-2022 (O&M)
Date of decision : 13.03.2023

Surjeet Singh ... Petitioner(s)

Versus

State of Punjab ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Fatehjeet Singh, Advocate for the petitioner.

Mr. Kunal Muthreja, AAG Punjab.

ALKA SARIN, J. (ORAL)

This is the third petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.11 dated 22.02.2020 for offences under Sections 307, 326-A, 498-A of the Indian Penal Code, 1860 (Section 201 IPC added later on) registered at Police Station Sadar Jalalabad (W), District Fazilka. The first petition being CRM-M-37571-2020 was dismissed by this Court by a speaking order dated 18.11.2020. The second petition being CRM-M-16400-2021 was dismissed as withdrawn vide order dated 20.08.2021.

Learned counsel for the petitioner would contend that the change in circumstances in the present case is that now the petitioner has been in custody for a period of 2 years, 7 months and 11 days. It is further the contention that out of 23 witnesses, only the complainant has been

examined till date though the challan stood filed on 25.08.2020. Learned counsel has further contended that the complainant herself was examined only on 28.02.2023. Learned counsel for the petitioner has further referred to the FIR wherein the allegation made was that on 11.04.2019 the family of the petitioner had held the complainant's arms and legs and the petitioner had thrown kerosene oil/acid on her and had set her on fire. Learned counsel for the petitioner has further contended that the stand now in the statement recorded on 28.02.2023 is totally different inasmuch as it has now been alleged that acid was thrown on the complainant while she was sleeping. It is further the contention that there is no other case pending against the petitioner.

Per contra, learned counsel for the State is not in a position to deny that despite the challan having been filed on 25.08.2020 only one witness out of 23 witnesses has been examined till date i.e. the complainant herself. Learned counsel is also not in a position to deny that the petitioner has been in custody for a period of 2 years, 7 months and 11 days and that there is no other case pending against the petitioner.

Heard.

Keeping in view the custody period of the petitioner as well as the fact that there is no other case pending against the petitioner, coupled with the fact that despite the challan having been filed on 25.08.2020, out of 23 witnesses only 1 witness has been examined till date and that the trial is likely to take some time to conclude and without commenting upon the merits of the case, this Court deems it fit to grant the concession of regular

bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off. Pending applications, if any, also stand disposed off.

13.03.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO