

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

Sr. No.252

CRM-M-16599-2019

Date of Decision : February 28, 2023

Sukhwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Salil Dev Singh Bali, Advocate, for the petitioner.
Mr. Gurlal Singh Dhillon, AAG, Punjab.
Mr. Anmol Rattan Sidhu, Senior Advocate with
Mr. G.S. Ghuman, Advocate and
Mr. G.P.S. Ghuman, Advocate, for the complainant.

SUDHIR MITTAL, J. (ORAL)

The petitioner seeks regular bail in FIR No.47, dated 18.05.2016, registered at Police Station P.A.U., District Ludhiana, under Sections 302, 307, 427, 148, 149, 212, 216, 120-B IPC and Sections 25 & 27 of Arms Act, 1959.

Learned counsel for the petitioner submits that petitioner has been in custody for almost seven years. The trial is not likely to be concluded at an early date as only 05 Pws out of a total of 44 Pws have been examined till date. There is no other criminal case pending against him. Other co-accused have been granted regular bail and thus, the petitioner deserves the same concession.

Custody certificate dated 25.01.2023 checked by Sh.Rajdeep Singh Brar, Deputy Superintendent, New District Jail, Nabha, Punjab is on record. A perusal thereof shows that the petitioner has undergone actual custody of 06 years, 08 months and 05 days as on 25.01.2023. More than a month has elapsed since then and thus, the petitioner has undergone more than 06 years & 09 months of actual custody as on date. There is one other criminal case under the NDPS Act, 1985 pending against him which was registered on 09.01.2022.

Learned State counsel concedes that only 05 Pws out of a total of 44 Pws have been examined till date.

Learned Senior counsel for the complainant seriously opposes the bail petition and submits that the petitioner is one of those persons who had fired at Baba Ranjit Singh Dhandiranwale. The Baba has not yet recorded his statement and thus, the hearing of the bail petition be deferred. That apart, the latest threat perception of the Baba shows that his life is in danger even today.

On being asked, learned State counsel submits that he has no instructions regarding any threat perception against the Baba. The facts aforementioned clearly show that the petitioner has been in custody for over 06 years and 09 months. The trial is not likely to be concluded at an early date keeping in view the number of witnesses that have been examined till date. Assuming that the petitioner is the main accused and had shot at the Baba, he cannot be deprived of his liberty indefinitely. Expeditious decision of a trial is one of the basic tenets of criminal justice and if it is not followed it results in violation of the right to life of the petitioner enshrined in Article 21 of the Constitution of India.

In view of the aforementioned facts and for the foregoing reasons, I deem it appropriate to grant regular bail to the petitioner. Accordingly, the petition is allowed. He is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

One of the conditions of bail shall be that the petitioner shall mark his presence in the local police station on the first day of every month.

February 28, 2023*Ankur*

Whether speaking/reasoned

Whether Reportable

Yes

No

**(SUDHIR MITTAL)
JUDGE**