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

**CRM-M-29794-2023
Date of Decision: 03.07.2023**

Jassa Singh alias Billa

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Nitin Kadian, Advocate for
Mr. Munish Garg, Advocate,
for the petitioner.

Mr. Kuldeep Singh, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.128, dated 07.09.2020, under Sections 307, 324, 458 & 34 IPC (Section 326 of the IPC added later on), registered at Police Station Dhanaula, District Barnala.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody since 14.09.2020, which is about 2 years and 10 months and the charges were framed on 20.04.2021, which is more than 2 years ago, but till date not even a single witness has been examined. He further submitted that the petitioner was falsely implicated in the present case because of personal enmity. He also submitted that the petitioner is

involved in one more case but that can not become a ground for denial of bail especially in view of the fact that the petitioner has faced incarceration for about 2 years and 10 months and till date not even a single witness has been examined, and therefore, the petitioner may be considered for grant of regular bail.

3. On the other hand, Mr. Kuldeep Singh, learned Assistant Advocate General, Punjab, has submitted that so far as the custody period of the petitioner is concerned, the same is correct and it is also correct that no prosecution witness has been examined till date. He further submitted that the reason for delay in trial was that the other co-accused had absconded and they were declared as Proclaimed Offender. He also submitted that direct role has been attributed to the petitioner, and therefore, he is not entitled for grant of regular bail.

4. I have heard the learned counsel for the parties.

5. It is a case where the petitioner is in custody from 14.09.2020 which is about 2 years and 10 months and the charges were framed on 20.04.2021, which is more than two years ago, but not even a single witness has been examined till date. Although, there is one more case under Section 380 IPC against the petitioner, but that cannot become a ground for denial of bail to him. Furthermore, it is neither the case of the State nor it has been argued by the learned State counsel that in case the petitioner is released on bail then he may abscond or flee from justice or may influence the witness or may tamper with the evidence.

6. Therefore, considering the aforesaid facts and circumstances of the present case and also considering the long custody of the petitioner,

which is about 2 years and 10 months, this Court deems it fit and proper to grant regular bail to the petitioner. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

7. 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 present petition.

03.07.2023
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |