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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39849-2023(O&M)

Date of Decision: 04.09.2023

Bobby Malhotra @ Sagar

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Hitesh Chopra, 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 grant of regular bail to the petitioner in FIR No.137 dated 24.08.2015, under Sections 307, 34 IPC and Section 27/54/59 of Arms Act, registered at Police Station C-Division, District Amritsar Rural.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody from 19.04.2017 which is more six years and the trial is going at a very slow pace. He submitted that although the petitioner is involved in large number of other cases of similar nature but considering the custody of the petitioner, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Sarabjit Singh Cheema, DAG, Punjab has filed reply and has also submitted that it is a case where the petitioner is a habitual offender and is involved in as many as 27 other cases which are pending trial and are of similar nature and there are 8 convictions qua the petitioner. He submitted that there is a strong apprehension that in case the

petitioner is released on bail, then he may not only repeat the offence but he may also abscond from justice. He further submitted that now the trial is going at a fast pace after this Court had called for report pertaining to the stage of trial. He has vehemently opposed the grant of bail to the petitioner in view of the apprehension expressed by him.

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

5. The petitioner is stated to be in custody for more than 6 years. The petitioner is stated to be involved in 27 more cases which are pending trial and there are 8 convictions qua the petitioner as per the learned State counsel. The allegation in the present case was that the petitioner alongwith the other co-accused had given gun shots injuries upon the injured and the same is the modus operandi adopted by him in many other cases as well. Earlier also the present petitioner had filed a petition before this Court in CRM-M-40562-2018 seeking issuance of direction to the trial Court to conclude the trial and the same was dismissed by this Court vide Annexure P-5 on 13.11.2018 since the State had submitted that the trial has started in its right earnest and the prosecution would make its best endeavour to complete the evidence in minimum possible time.

6. On the last date of hearing even this Court had also sought report from the concerned trial Court with regard to the stage of the case. A report has been received from the learned Additional District & Sessions Judge, Amritsar dated 25.08.2023 wherein it has been so reported that there are total 22 cited witnesses and as of date 7 prosecution witnesses have already been examined, 1 prosecution witness had died and the prosecution had given up/struck off 5 prosecution witnesses and now the case is fixed for 19.09.2023 for remaining prosecution evidence.

7. In this way even as per the report only 9 witnesses remained to be

examined. After hearing the learned counsel for the parties and considering the criminal background of the petitioner, this Court does not deem it fit and proper to grant regular bail to the petitioner but at the same time considering the long custody of the petitioner would direct the trial Court to expedite the trial.

8. Consequently, the present petition is dismissed. However, the trial Court is directed to expedite and conclude the trial preferably within a period of six months from today especially considering the fact that the petitioner has already faced incarceration for more than 6 years.

9. A copy of this order be sent to the concerned Court.

10. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

04.09.2023
rakesh

(JASGURPREET SINGH PURI)
JUDGE

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