

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M No.44406 of 2023  
Date of decision: 7<sup>th</sup> December, 2023

Ravi Kumar @ Ravi

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. Sandeep Sharma, Advocate for the petitioner.

Mr. Sandeep Kumar, Dy. Advocate General, Punjab  
for the respondent/State.

**MANJARI NEHRU KAUL, J.**

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.86 dated 23.07.2017 under Sections 376-D, 417, 120-B of the IPC registered at Police Station Bilga, District Jalandhar. This is the second petition filed by the petitioner.

2. Learned counsel for the petitioner inter alia contends that he has been languishing in custody for the last 6 years, having been arrested on 30.07.2017. It has been further submitted that co-accused Harpreet alias Happy, who too was challaned along with him on similar allegations, was enlarged on bail way back on 09.08.2018 vide order (Annexure P-6); subsequently, during the course of trial after the evidence of the prosecutrix had been recorded, an application under Section 319 Cr.P.C. was moved by the prosecution for summoning co-

accused Davinder Singh alias Bindu as additional accused, which was then allowed by the trial Court. Against this order of summoning, the newly added accused Davinder Singh alias Bindu approached this Court by way of revision bearing CRR No.899 of 2019, wherein a Coordinate Bench of this Court, vide order dated 18.11.2019 had stayed the operation of the impugned order. Learned counsel submits that the aforementioned criminal revision is still pending adjudication before this Court, coupled with the fact that all the evidence stands concluded before the trial Court, however, final order has not been pronounced because of the pendency of the revision petition before this Court. In the circumstances, learned counsel submits that for no fault of the petitioner, he cannot be made to languish in jail. A prayer has therefore, been made to accept the instant petition and enlarge the petitioner on bail as there is no likelihood of the trial concluding in the near future.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from SI Anwar Masih, has not disputed the aforementioned submissions made by the learned counsel for the petitioner. He has further submitted that the revision petition is now fixed for 09.01.2024.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. In the facts and circumstances as enumerated hereinabove, more so, when the material witness i.e. the prosecutrix already stands

examined, and due to the interim order passed in the aforementioned criminal revision, the trial is unlikely to conclude in the near future, this Court thus deems it fit to extend the concession of bail to the petitioner, who has been in custody since 30.07.2017. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)  
JUDGE

December 7, 2023

*rps*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |