

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

CRM-M No.43978 of 2023 (O&M)
Date of decision: 29.09.2023

Jagdish Singh @ Deepu

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. J.S. Sandhu, Advocate for the petitioner.

Mr. Teevar Sharma, AAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this 2nd petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.120 dated 01.11.2020, for offence punishable under Sections 399, 402 of the Indian Penal Code, 1860 (in short 'IPC') and Section 25 of the Arms Act, 1959 (Sections 473, 411, 121, 201, 120-B IPC and Sections 21, 25, 29 of the NDPS Act, added later) registered at Police Station Bhadaur, District Barnala.

Counsel for the petitioner has submitted that the new ground for filing this petition is that the petitioner is in custody for the last 02 years and 10 months and the trial is proceeding at a very slow pace.

Counsel for the petitioner, at the first instance, has relied upon the order dated 29.07.2021 passed by this Court in CRM-M No.22139 of 2021 and other connected cases and order dated 26.10.2021 passed in CRM-M No.30507 of 2021 and other connected

cases, to submit that the co-accused of the petitioner are already granted the concessin of bail. It is further submitted that out of 29 prosecution witnesses, no one is examined so far and the trial is not likely to be concluded in the near future. Lastly, it is submitted that there are 23 accused in the FIR, out of which 13 are on bail and the petitioner is in custody for the last 02 years and 10 months.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 02 years and 10 months; the co-accused of the petitioner are already released on bail; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time as out of 29 PWs, no one is examined, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

29.09.2023
yakub

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