

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

Sr. No.207-a

CRM-M-57068-2022 (O&M)
Date of Decision : March 14, 2023

Avtar Singh @ Meshi @ Memi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Chandan Singh Rana, Advocate, for the petitioner.

Mr. Gurlal Singh Dhillon, AAG, Punjab.

Mr. Yogesh Geol, Advocate,
Mr. Jashanpreet Singh, Advocate and
Mr. Lakshay Goel, Advocate, for Gurmukh Singh.

SUDHIR MITTAL, J. (ORAL)

CRM-47347-2022

Allowed as prayed for.

Exemption sought is granted.

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The petitioner seeks regular bail in FIR No.102, dated 16.06.2021, registered at Police Station Koom Kalan, District Ludhiana, under Sections 302, 506, 148, 149 & 201 IPC.

According to the prosecution case, the petitioner and others beat up the deceased namely Mangat Singh resulting in his death. The incident was witnessed by the complainant Mewa Singh and allegedly by one Gurmukh Singh.

Learned counsel for the petitioner has submitted that the petitioner has been in custody for over one and a half years. The trial is not

likely to be concluded at an early date as only one PW has been examined

as on date. Total 24 Pws have to be examined. The complainant has not supported the prosecution case and the wife of the deceased has submitted an application before the Superintendent of Police stating that the persons mentioned as accused in the FIR are actually not the accused. The actual accused, named therein be arrested and tried. Taking all these facts and circumstances, the petitioner deserves to be granted regular bail.

Custody certificate dated 13.03.2023 checked by Sh.Kanwar Surteg Singh, PPS, Deputy Superintendent, Central Jail, Ludhiana has been filed in Court. The same is taken on record. According to the custody certificate, the petitioner has undergone actual custody of 01 year, 08 months and 12 days and there is no other criminal case pending against him.

Learned State counsel concedes that only one PW out of a total of 24 Pws has been examined as on date. He also concedes that the complainant has not supported the case of the prosecution and that the wife of the deceased has filed an application seeking action against the persons who according to her are the actual accused.

Learned counsel for Gurmukh Singh (cousin of the complainant who was also allegedly present at the spot) submits that an application u/s 311 Cr.P.C. has been filed by the prosecution for inclusion of his name in the list of witnesses. The said application is fixed for 20.03.2023 and thus, the hearing of the case be adjourned beyond the said date.

It is not in dispute that the trial is progressing at a snail's pace and that the petitioner has actually undergone 01 year, 08 months and 12 days. There is no dispute about his criminal antecedents. The complainant having not supported the case of the prosecution is also not in doubt nor is it

a matter of dispute that the wife of the victim has sought exoneration of the

accused persons. Taking all these facts cumulatively, the petitioner deserves to be granted regular bail.

The submission that the hearing be deferred beyond the date fixed in the application filed under Section 311 Cr.P.C. cannot be accepted for the simple reason that it is not certain that the said application will in fact be decided on the said date. Even if it is so and assuming that the Gurmukh Singh is permitted to be examined, he can do so even after the petitioner has been granted regular bail.

The petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Liberty is granted to the State to seek cancellation of the bail in case the petitioner threatens the witnesses or interferes with the trial in any manner.

Nothing stated hereinabove shall be construed as an opinion on the merits of the case.

March 14, 2023

Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No