

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

**CRM-M No. 14174 of 2024 (O&M)
Date of Decision: 03.04.2024**

Kulwinder Singh
..... Petitioner

Versus

State of Punjab
..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Karanjit Singh, Advocate
for the petitioner.

Mr. Kewal Singh, Additional Advocate General, Punjab
assisted by ASI Lakhbir Singh.

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition filed under Section 439 Cr.P.C., seeks grant of regular bail pending trial in case bearing FIR No.110 dated 22.09.2021, under Section 307 of IPC; Sections 25/54/59 of Arms Act; Sections 3/4/5 of Explosive Substances Amendment Act, 2001 (Sections 13, 18 & 20 of the Unlawful Activities (Prevention) Act, 1967, has been deleted), registered at Police Station Bhikhiwind, District Tarn Taran, wherein he has been implicated with the allegations of having possessed one pistol and 10 live cartridges, as recovered at the time of his arrest.

[2] Learned State Counsel vehemently opposes the prayer for grant of regular bail to the petitioner while referring to the allegations levelled against the petitioner, besides his involvement in one another case pertaining to FIR No. 480, dated 11.11.2023, under Section 52-A of

Prison Act, registered at Police Station Goindwal Sahib.

[3] I have heard learned counsel for the parties and gone through the paper-book and find substance in the submissions made on behalf of the petitioner.

[4] In the present case, the petitioner is behind the bars since 22.09.2021; the investigation already stands concluded with the filing of challan followed by framing of charges wayback on 13.09.2022; however, even after the expiry of more than one year and six months, not even a single prosecution witness has been examined, out of total 22 cited by the prosecution.

A perusal of the zimni orders of the trial Court, which have been referred before this Court by the learned counsel for the petitioner, show that either the petitioner and the other accused have not been produced before the trial Court or the witnesses from the side of prosecution are not present; thus, apparently, it is the prosecution agency, which is delaying the trial, whereas the petitioner is in custody for the past more than two and half years.

Thus, considering the aforesaid facts, I do not find any reason to extend the incarceration of the petitioner any further.

[5] In view of the above, but without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is **allowed** and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the Trial Court / Illaqa Magistrate / Duty Magistrate concerned.

[6] It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

April 03, 2024
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(HARKESH MANUJA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>