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

**CRM-M-14906-2024 (O&M)**

**Date of Decision : 02.08.2024**

Sarwan Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. R.K. Saini, Advocate for the petitioner.

Mr. Rajeev. K. Takkar, DAG Punjab.

**ALKA SARIN, J. (Oral)**

1. This is the second petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.174 dated 06.08.2021 under Sections 304-B, 306 of the Indian Penal Code, 1860, registered at Police Station Gharinda, District Amritsar. The first petition filed by the petitioner for grant of regular bail being CRM-M-50562-2021 was dismissed as withdrawn vide order dated 15.11.2023.

2. Learned counsel for the petitioner would contend that the petitioner has been in custody for a period of 02 years 11 months and 23 days and that there is no other case pending against him. It is further the contention of learned counsel for the petitioner that out of 16 witnesses, 11 have been examined including the complainant and 03 have been given up. Subsequently the complainant had filed an application under Section 319 CrPC which was dismissed by the Trial Court and against that CRR-2170-2023 has been preferred in which further proceedings before the Trial Court have been stayed vide order dated 14.03.2024.

3. Status report by way of affidavit of Sukhjinder Singh, PPS, Deputy Superintendent of Police, Attari, Amritsar Rural, has been filed by the learned counsel for the State. The learned State counsel has contended that the victim in the present case was deaf and dumb and there are serious allegations made in the present case. However, the learned counsel for the State is not in a position to deny the fact that the complainant in the present case stands examined alongwith 10 other witnesses and 03 have been given up and that now further proceedings before the Trial Court have been stayed vide order dated 14.03.2024 passed in CRR-2170-2023. The learned counsel for the State has also filed the custody certificate and as per the custody certificate the petitioner has been in custody for a period of 02 years 11 months and 23 days and that there is no other case pending against him.

4. Heard.

5. In the present case, out of 16 witnesses, 11 have been examined including the complainant and 03 have been given up. However, in proceedings arising out of an application under Section 319 CrPC which was dismissed by the Trial Court, a criminal revision being CRR-2170-2023 was preferred before this Court in which further proceedings have been stayed vide order dated 14.03.2024. As per the custody certificate, the petitioner has been in custody for a period of 02 years 11 months and 23 days and there is no other case pending against him. The trial is likely to take some time to conclude and no useful purpose would be served by keeping the petitioner behind the bars any further.

6. In view of the above and keeping in view the long custody and without commenting upon the merits of the case, this Court deems it to be a

fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

7. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

8. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

9. Disposed off. Pending applications, if any, also stand disposed off.

02.08.2024  
Yogesh Sharma

( ALKA SARIN )  
JUDGE

NOTE: Whether speaking/non-speaking: Speaking  
Whether reportable: YES/NO