



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

223

CRM-M-38428-2024
Date of decision: December 2nd, 2024

Gurpreet Singh alias Gopi
.....Petitioner

Versus

The State of Punjab
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail under in
FIR No.64 dated 26.08.2020 under Sections 452, 308, 427, 323, 506,
34, 201 of the IPC registered at Police Station Sudhar,
District Ludhiana.

2. Learned counsel appearing for the petitioner has reiterated
the following submissions made on the last date of hearing:

*“Learned counsel for the petitioner submits that in a case
of false implication, the petitioner has been in custody
since 09.10.2023; challan stands presented and even
charges stand framed, however, only one prosecution
witness (official witness) has been examined till date.
Learned counsel has asserted that the delay in conclusion
of the trial is primarily on account of the complainant
(injured witness) not appearing before the trial Court to
testify, as as result of which, non-bailable warrants have
now been issued to secure his presence for 20.11.2024.
Learned counsel submits that in the aforementioned facts*

and circumstances, further incarceration of the petitioner would serve no useful purpose.”

3. It has been further submitted that on the previous date of hearing before the trial Court, 20.11.2024, yet again none of the prosecution witnesses appeared to get their evidence recorded despite the issuance of non-bailable warrants to secure the presence of the said witnesses including the complainant. Learned counsel submits that in the circumstances, more so when as many as ten witnesses have been cited by the prosecution and only one prosecution witness has been examined till date, the petitioner cannot be made to languish in custody for no fault of his.

4. Learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from S.I. Jaswinder Singh, has not disputed the custody period of the petitioner nor has he disputed the stage of the trial, including the repeated issuance of non-bailable warrants to secure the presence of the prosecution witnesses including the complainant before the trial Court concerned. However, learned counsel for the State has submitted that the petitioner has been attributed a *kirch* blow on the neck of the injured-complainant.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The petitioner, as not disputed, has been in custody since 09.10.2023 and after the charges were framed on 03.03.2024, only one prosecution witness, that too formal in nature, has been examined till date. The conclusion of the trial apparently is being prolonged on account of the continuous non-appearance of the injured-complainant and prosecution witnesses.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

8. 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.

9. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

December 2nd, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No