

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59227-2023
DECIDED ON: 25.01.2024

DEEPAK SINGH @ DEEPUPETITIONER

VERSUS

STATE OF PUNJABRESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Gaurav Partap Singh Pathania, Advocate
for the petitioner.

Mr. H.S. Sitta, DAG Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No.81, dated 02.09.2022 (Annexure P-1), under Sections 365 and 34 of IPC, 1860 (Section 120-B of IPC added later on and thereafter Sections 307, 148, 149 and 34 of IPC was removed vide Rapat No.4 dated 04.09.2022 and further Section 302 of IPC was added vide Rapat No.15 dated 07.09.2022 and further Section 202, 204, 212 & 216 of IPC has been added vide Rapat No.35 dated 15.12.2022), registered at Police Station Sadar Pathankot, District Pathankot.
2. Learned counsel for the petitioner contends that the only attribution against the petitioner is on hearsay evidence that too on a disclosure statement of one Rahul that the present petitioner alongwith other co-accused was discussing that the legs of Navdeep Totka (deceased) should have been chopped with the sword apart from that no incriminating material against the present petitioner is available with the Investigating Agency to connect him with the commissioning of offence either under Sections 302 & 307 or 365 of IPC.

3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to the custody certificate, the petitioner has suffered incarceration of 10 months and 6 days. He submits that the allegations are serious in nature against the petitioner, who had planned to chop the legs of deceased, but could not succeed apart from that he candidly submits that no other incriminating material is available with the prosecution.

4. Be that as it may, considering the fact that except the statement of Rahul, there is no other incriminating material available to connect the petitioner with the commissioning of offence and the petitioner is in custody since 24.03.2023, wherein charges were framed on 27.09.2023 and since then out of total 42 prosecution witnesses, none has been examined, which is sufficient to convince this Court that trial will certainly take long time, no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period, which would also violate the principle of right to speedy trial and expeditious disposal under Article 21 of Constitution of India, as has been time and again discussed by this Court, while relying upon the judgment of the Apex Court passed in *Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131*.

5. In view of the aforesaid discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

6. The present petition, is hereby allowed.

7. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

25.01.2024

Meenu

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