

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(204)

CRM-M-62758 of 2023
Date of Decision : 18.04.2024

Baljit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. D.P.S. Joura, Advocate for the petitioner.
Mr. Rohit Ahuja, Deputy Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 88 dated 26.08.2018, registered under Sections 458, 380, 323, 342 IPC (Sections 460 and 201 IPC added later on) at Police Station Sadar, Sangrur, District Sangrur, Punjab.

Learned counsel for the petitioner submits that the petitioner is behind bars for the last 05 years and 05 months and the status of the trial is that out of total 27 cited witnesses, only 15 witnesses have been examined, hence, the trial is not likely to conclude in the near future. Learned counsel further submits that the material witnesses have already been examined, hence, keeping the petitioner behind the bars during the

trial will serve no useful purpose, hence the petitioner be extended the concession of regular bail.

Notice of motion.

Mr. Rohit Ahuja, learned Deputy Advocate General, Punjab, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondents submits that there were more than one people involved in the said FIR, wherein, the Security Guards guarding the wheat were beaten and one of the guard had died and 248 bags of the wheat were stolen. Learned counsel for the respondents concedes that the petitioner is behind bars for the last 05 years and 05 months and out of the total 27 cited witnesses only 15 witnesses have been examined so far.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

It may be noticed that right to speedy trial is envisaged while considering right to life as envisaged under Article 21 of the Constitution of India. The petitioner is behind the bars for the last 05 years and 05 months and keeping in view the status of the trial mentioned here-in-before, the trial is not likely to be concluded in the near future. Once, the material witnesses have already been examined and nothing has come on record so far that it was the petitioner, who had given the sticks blow to the person, who had died coupled with the fact that petitioner has already

spent 05 years and 05 months behind the bars and the petitioner has undertaken before this Court that in case, he is granted the concession of regular bail, he will not misuse the same in any manner so as to influence the witnesses, the prayer of the petitioner for the grant of regular bail is accepted. In case of default of the undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

The petitioner is directed to be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

April 18th, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No