



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

222

CRM-M-9041-2025

Date of decision: 02.07.2025

Gurdeep Singh @ Bheekh @ Deepa

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Malkiat S. Hundal, Advocate
for the petitioner.

Mr. Sahil Chowdhary, AAG Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.92 dated 19.05.2023 under Sections 307/353/332/427/279/186 of the IPC registered at Police Station Cantonment, Amritsar.

2. Learned counsel for the petitioner submits that the petitioner has been languishing in custody since 18.05.2023 after he allegedly tried to run over his car on the police party which was conducting a routine naka. Learned counsel has submitted that it is a case of false implication. Learned counsel has submitted that the investigation in the present case was completed way back in August, 2023 following which challan was presented against the petitioner and charges framed on 01.10.2023, however, till date only 01 prosecution witness out of the 17 cited, has been examined; the prosecution witnesses have been intentionally absenting themselves as a result of



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which the trial has been unnecessarily delayed. In support, learned counsel has drawn the attention of this Court to the zimni orders of the learned Trial Court, annexed as Annexure P-3, wherein it indeed stands reflected that despite issuance ofailable warrants, the prosecution witnesses for reasons best known to them, have been irregular in their appearances and have been consistently absenting themselves before the learned Trial Court.

3. Learned counsel has, therefore, prayed that in the aforementioned facts and circumstances, possibility of the trial concluding in the near future does not arise and the petitioner's right to a speedy and fair trial has been severely compromised on account of the repeated non-appearance of prosecution witnesses.

4. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has not disputed the custody period of the petitioner nor has he, on instructions, disputed the stage of trial. However, learned State counsel has reiterated the allegations levelled in the FIR which stands reproduced hereinunder:-

“Statement of PHG Ajay 9368 s/o Michael Masih r/o house no. 105 street no.05, Fred colony Majitha Road Amritsar mobile no.79739-45933 stated that I am resident of above address and posted at police station Ghumtala Amritsar. Today 18.05.2023 alongwith ASI Pargat Singh 3797/ASR, CT Salwan Amar 3796/ASR, L/CT Rajwinder Kaur 130/ ASR had blockade duty at Ghumtala Chownk Amritsar. Under the instructions of Respected Police Commissioner Amritsar alongwith other officers, was checking vehicles. That one car mark Tata Indigo no. PB01-B-3472 white color got their attention going to Ghumtala bypass from Loharka bypass side. CT Salwan Amar indicated to stop the car and he stopped it then from driver's window I asked the driver about its documents and



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the driver allegedly attempted to kill me by moving his car towards me I was hit and fell down, and sustained injuries. My fellow employees chased the car and the above mentioned car driver collided with another white color Honda Amaze car no. PB02-ED-1747 in chownk that was going towards Rajansani Amritsar and both the cars was damaged and the driver abandoned his car there and ran away and the fellow employees ran behind and caught him and is presented before who identified himself as Gurdeep Singh @ Deepa s/o Hardeep Singh r/o Patti Peer Baba Ghode Shah Jandiala Guru police station Jandiala district Amritsar. With attempt to kill me he ran his car over me and obstruct me during performance of my duty. Appropriate legal action must be brought against him. CCTV footage of this incident will be provided later. Statement written, heard and correct. PHG Ajay 9368/-”

5. It has been submitted that it was the petitioner who was driving the car which hit Constable Ajay Kumar, who was on duty at the naka, leading to him sustaining injuries on his left leg and knee as well as his hand. It has also been submitted that the petitioner is facing trial in five other cases under the NDPS Act.

6. On being pointedly asked as to whether he disputes the contents of the zimni orders (Annexure P-3), learned State counsel has fairly conceded that in fact it is the prosecution witnesses who are responsible for the delay in the conclusion of the trial.

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

8. In the present case, charges against the petitioner were framed way back on 01.10.2023, however, only 01 out of the 17 prosecution witnesses has been examined so far. As conceded by the learned State counsel, it is the prosecution witnesses who are responsible for the delay in the conclusion of the trial. The petitioner's

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right to a speedy trial is being compromised on account of non-appearance of the prosecution witnesses before the learned Trial Court. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner as he cannot be made to languish in custody any more to await the appearance of the prosecution witnesses.

9. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

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

02.07.2025

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

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