

2025:PHHC:003544



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-42072 of 2024

Date of Decision: 13.01.2025

Davinder Saini

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Navkiran Singh, Advocate
for the petitioner.

Mr. Surya Kumar, AAG, Punjab.

DEEPAK GUPTA, J.

By way of this petition filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (old Section 439 Cr.P.C), petitioner prays for his
release on regular bail in case arising out of FIR No.188 dated 08.11.2018
registered under Sections 302, 307, 323, 148, 149 IPC and Section 25 of Arms Act
at Police Station Dinanagar, District Gurdaspur.

2. It is his second petition for the purpose. The earlier petition bearing
CRM-M-5755 of 2023 (O&M) was dismissed by this Court along with two other
connected petitions, vide a consolidated order dated 13.05.2024 (Annexure P.14).

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3. It is contended by learned counsel that by way of the order dated 13.05.2024, this Court had directed the trial Court to make every possible effort to conclude the trial expeditiously by giving short dates. However, the position has not improved inasmuch as only 04 witnesses out of 38 witnesses cited by the prosecution have been examined so far and thus, trial is likely to take long time to conclude. It is also the contention of learned counsel that custody period of the petitioner is more than 05 years and 03 months and that non-conclusion of the trial expeditiously by the trial Court has resulted in infringement of the right to speedy trial of the petitioner as enshrined under Article 21 of the Constitution of India.

4. Strongly opposing the bail petition, learned State Counsel has drawn attention towards the fact that the petitioner and co-accused are alleged to have committed murder of Sukhwinder Singh alias Mukhwinder. It is petitioner – Davinder Saini who along with Kaka alias Gurpreet are attributed to have given gun-shot injuries to the deceased and the complainant- Piara Singh has supported the prosecution during trial in this regard. Learned State Counsel has further pointed out that the petitioner was earlier declared Proclaimed Offender on 28.01.2019 and was later on arrested on 07.09.2019. Attention is also drawn towards the criminal antecedents of the petitioner, as is evident from the custody certificate revealing that he is convict in two cases pertaining to jail offences and is also under-trial in a case under the

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provisions of Arms Act. Learned State Counsel further submits that one of the eye witnesses- namely, Suraj is yet to be examined and that in case the petitioner is allowed bail, he may threaten the witnesses. By pointing out towards the various zimni orders passed by the trial Court after order dated 13.05.2024 passed by this Court, it is submitted that the trial was not delayed only on account of the prosecution and that on some of the dates, one or the other accused had not appeared.

5. I have considered the submissions of both the sides and appraised the record.

6. It is true that custody period of the petitioner is 05 years, 03 months and 17 days as per the custody certificate placed on record but the Court cannot ignore the role attributed to the petitioner who is alleged to have given gun-shot injuries to the deceased along with co-accused. Besides, the petitioner is convict in two other cases.

Earlier, the petitioner had been declared as a Proclaimed Offender. The nature of offence is quite grave entailing the punishment upto death as was also noticed in the earlier order.

7. Having noticed all the afore-said facts and circumstances, but without commenting anything on the merits of the case, this Court is not inclined to grant the benefit of bail to the petitioner. As such, bail petition is dismissed. However, having regard to the custody period of the petitioner, the trial Court is again directed to make

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every possible effort to expedite the trial by passing the effective orders as per law

against the defaulting witnesses.

January 13 , 2025

(DEEPAK GUPTA)

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JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No