



CRM-M-51339-2024

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

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CRM-M-51339-2024

Date of Decision: 09.09.2025

Sewak Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Sandeep Verma, Advocate for the petitioner

Mr. Satjot Singh Chahal, Assistant Advocate General, Punjab

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed under Section 439 of Code of Criminal Procedure, 1973, seeking grant of regular bail to the petitioner in case FIR no.81 dated 07.05.2022, registered under Sections 307, 353, 186, 34 of IPC, Section 21(c) of NDPS Act, 1985, and Section 25 of Arms Act, 1959 (Section 473 IPC added later on), at Police Station Sadar Faridkot, District Faridkot.

2. As per allegations in the FIR, the petitioner, along with three other persons, was travelling in a car wherefrom one kilogram of heroin was recovered. These four persons are accused of firing at the police party, as each one of them was carrying a pistol. But no one was injured.

3. Learned counsel for the petitioner contends that trial is not progressing and the petitioner has been in custody since 07.05.2022. Co-accused Sukhchain Singh *alias* Bhujia, who also accompanied the petitioner in the car and allegedly fired at the police party, has already been admitted to bail by this Court, vide order dated 05.07.2024, passed in CRM-M-13727-2024,



primarily on the ground of more than two years and one month of custody he had undergone by then. The status of trial almost remains the same, as many witnesses are still to be examined.

4. Learned State counsel, on instructions from ASI Gurbaksh Singh, however, opposes the grant of bail on the ground that trial of the case is going on and seven witnesses have already been examined. Examination-in-chief of five other prosecution witnesses has been recorded, though they are still to be cross-examined. There are thirty-seven witnesses in all, of whom seven have been given up and remaining eighteen will also be examined soon. It is not disputed that the petitioner is in custody since 07.05.2022, and that co-accused in similar circumstances has already been admitted to bail.

5. In view of the facts aforementioned, it is apparent that trial of the case will take some time to conclude as cross-examination of five witnesses, apart from examination of eighteen witnesses, remains pending. Awaiting conclusion of trial the petitioner has remained incarcerated for more than three years and four months which violates his right to speedy trial enshrined under Article 21 of the Constitution. Besides, no apprehension has been expressed of his influencing the witnesses or hampering trial.

6. Accordingly, petition is allowed, and the petitioner is directed to be released on regular bail subject to the satisfaction of the trial Court/Duty Magistrate concerned, and subject to his not being required in any other case.

(TRIBHUVAN DAHIYA)
JUDGE

09.09.2025
Payal

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