
(1999) 10 P&H CK 0077

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 30257-M of 1999

Bhagwan Singh @Bhaggi

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 04-10-1999

Acts Referred:

Citation : (2000) 1 AICLR 838 : (2000) 1 RCR(Criminal) 44

Hon'ble Judges : K.S.Kumaran, J

Advocate : S.C. Chhabra, P.S. Sullar, Advocates for appearing Parties

Judgement

K.S. Kumaran, J.

1. Petitioner Bhagwan Singh alias Bhaggi applied to this Court earlier in CrI. Misc. No. 13728M of 1999 for bail under Section 439 Cr.P.C. (in F.I.R. No. 177 dated 22.6.1994 registered at Police Station Sadar Ferozepur, under Sections 302, 353, 34 IPC).

The allegation against him is that he along with his coaccused was distilling illicit liquor and a party consisting of police and Excise officials raided the place. It is further alleged that one of raiding party members by name Badloo was picked up by the petitioner and his coaccused, thrown into the river and killed.

2. This Court by its order dated 28.5.1999 disposed of the bail application directing that the concerned Sessions Judge, should complete the examination of the remaining witnesses and dispose of the case on or before 6.8.1999, since the case has arisen from the F.I.R. of the year 1994.

3. But the petitioner has filed the present petition alleging that in spite of the directions given by the Court, the evidence has not been completed and the case has been adjourned even beyond the date 6.8.1999 for examination of witnesses. The learned counsel for the petitioner contends that the petitioner was arrested on 7.7.1994 and though five years have lapsed and 41 witnesses have been cited, the case has not been completed in spite of the specific

direction given by this Court. The learned counsel for the petitioner further contends that even though the prosecution can be asked to close its evidence in view of the dictum of the Hon'ble Apex Court, atleast the petitioner should be released on bail. The learned counsel for the State has not been able to say even now as to when the case would be completed. I am of the view that in the circumstances of the case, petitioner is entitled to be released on bail.

4. Accordingly, this petition is allowed and the petitioner is ordered to be released on bail on his furnishing sufficient surety to the satisfaction of Chief Judicial Magistrate, Ferozepur.