

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 33461 of 2021

Applicant :- Roshan Lal

Opposite Party :- State of U.P.

Counsel for Applicant :- Rahul Saxena

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot, J.

By means of this bail application the applicant has prayed to be enlarged on bail in Case Crime No. 84 of 2018 at Police Station Amaria, District Pilibhit, under Sections 147, 452, 307, 323, 504, 427, 302 IPC. The applicant is in jail since 25.04.2018.

The bail application of the applicant was rejected by learned trial court on 26.10.2018.

The applicant has been identified as principal offender who poured kerosene oil on the deceased. The nomination of the applicant has been consistent in the FIR, statement of the first informant, the statement of the victim and also in her dying declaration. The deceased was burnt to death. The postmortem report corroborates the prosecution case. The applicant acted with other accused persons in furtherance of a common intent to kill the deceased in a brutal manner. The offence is heinous. There is likelihood that the applicant committed the offence. At this stage, no case for bail is made out.

Without going into the merits of the case, the bail application is **dismissed**.

The Court is concerned by the fact that the trial has not been concluded till date despite the fact that the applicant is in jail for more than five years.

Considering the gravity of the offence, interest of justice will be served by directing the learned trial court to expedite the trial within a stipulated period of time.

The trial court is directed to conclude the trial within a period of one year from the date of receipt of a certified copy of this order. The learned trial court shall proceed with the hearing on a day to day basis to ensure that the above stipulated timeline of one year is strictly adhered to. All witnesses and counsels are directed to cooperate with the trial proceedings.

The trial court has also to be conscious of the rights of the accused persons and is under obligation of law to ensure that all expeditious, necessary and coercive measures as per law are adopted to ensure the presence of witnesses. Counsels or parties who delay or impede the proceedings should not only be discouraged from doing so but in appropriate cases exemplary costs should also be imposed on such parties/ counsel.

The learned trial court shall issue summons by regular process as per Section 62 Cr.P.C. and also by registered post as provided under Section 69 Cr.P.C. to expedite the trial.

The learned trial court shall promptly take out all strict coercive measures against all the witnesses in accordance with law who fail to appear in the trial proceeding. Counsels or parties who delay or impede the proceedings should not only be discouraged from doing so but in appropriate cases exemplary costs should also be imposed on such parties/ counsel.

The police authorities shall ensure that warrants or any coercive measures as per law taken out by the learned trial court to ensure that the attendance of the witnesses are promptly executed.

The Superintendent of Police, Pilibhit shall file an affidavit before the trial court on the date fixed regarding status of execution of the warrants/service of summons taken out by the learned trial court.

In case there is a failure on part of the police authorities to execute the warrants or other coercive measures, the Superintendent of Police, Pilibhit shall state the reasons for the same in the said affidavit and also show the steps taken to execute the warrants. The Superintendent of Police, Pilibhit shall simultaneously inform the Additional Director General of Police (ADG) Bareilly Zone, about the aforesaid failure of the police authorities in the first instance to execute the warrants and coercive measures issued by the learned trial court. If required, the Additional Director General of Police (ADG) Bareilly Zone, may

issue an appropriate directions to ensure that the warrants issued are promptly executed by the learned trial court.

The delay in execution of warrants and consequent absence of witnesses is one of the principal causes of delays in criminal trials and has to be addressed effectively by all stakeholders.

The trial judge shall submit a fortnightly report on the progress of trial and the steps taken to comply with this order to the learned District Judge.

A copy of this order be communicated to the learned trial judge through the learned District Judge, Pilibhit by the Registrar (Compliance) by FAX.

It has been submitted that the principal offender Beni Ram has not been chargesheeted till date.

The Additional Director General of Police (ADG) Bareilly Zone shall ensure that appropriate steps are taken in an expeditious and rigorous manner as per law to ensure that the principal offender Beni Ram is brought to justice.

This reflects a shocking state of affairs, since the said Beni Ram is accused of lighting fire.

The Additional Director General of Police (ADG) Bareilly Zone shall inquire into the failure of the police authorities to bring the principal offender Beni Ram to justice and also give appropriate directions for the same.