Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 34269 of 2023

Applicant :- Sukhdev Singh
Opposite Party :- State of U.P.
Counsel for Applicant :- Shyam Lal,Abhilasha Singh,Ashutosh Yadav
Counsel for Opposite Party :- G.A.,Prashant Kumar Yadav

Hon'ble Ajay Bhanot,J.

Heard Ms. Abhilasha Singh, learned counsel for the applicant, Shri Prashant Kumar Yadav, learned counsel for the informant and Shri Suchit Tandon, learned AGA for the State.

By means of this bail application the applicant has prayed to be enlarged on bail in Case Crime No. 61 of 2023 at Police Station Bhagatpur District Moradabad, under Section 302 IPC and Section 3/25 of Arms Act. The applicant is in jail since 10.03.2023.

The bail application of the applicant was rejected by learned trial court on 30.06.2023.

The applicant has been identified as the principal offender who discharged his firearm and shot dead the deceased. There is an eye witness who promptly reached the site after the incident and saw the applicant running away with the weapon of assault. Weapon of assault has been

recovered from the applicant. It appears that the chain of incriminating circumstances against the applicant is complete. The offence is grave. 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.

It is informed that the FSL report has not been produced till date. The FSL authorities are directed to expedite the report and place the same before the learned trial court within a period of four months from today.

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 Senior Superintendent of Police, Moradabad, 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

Senior Superintendent of Police, Moradabad, shall state the reasons for the same in the said affidavit and also show the steps taken to execute the warrants. The Senior Superintendent of Police, Moradabad, 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, Moradabad by the Registrar (Compliance) by FAX.

Order Date :- 17.10.2023
Dhananjai

Digitally signed by :-
DHANANJAI
High Court of Judicature at Allahabad