

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

CRM-M-14630-2015

Date of decision: 13.05.2015

Gagandeep @ Gagandip Singh Budhwar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Aman Pal, Advocate for
Mr. Sandeep Gahlawat, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.13 dated 18.01.2013 under Sections 302, 34 IPC and Section 25 of the Arms Act, registered at Police Station Rai, District Sonapat.

Notice to Advocate General, Haryana.

Mr. Manoj Kumar Sangwan, DAG, Haryana accepts notice.

Learned counsel for the petitioner submits that petitioner is inside the jail since 22.01.2013. A period of about two years has been lapsed and prosecution evidence is still going on, in spite of the fact that the charges were framed in the month of May, 2013 itself. He further submits that the slow pace of trial shows that the prosecuting agency is not interested in getting the trial concluded within a reasonable time. He refers to the disclosure statements Annexures P-2 & P-3, allegedly made by the petitioner. He submits that both these disclosure statements were only before the police officers/officials and no independent witness was associated on both the occasions. Learned counsel for the petitioner next contended that it

was a blind murder and there was no eye-witness account. Petitioner was not named in the FIR. In such a situation, it would be a debatable issue whether petitioner had actually participated in the commission of crime or not. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Sumer Singh, Police Station Rai, District Sonapat, submits that disclosure statements in the presence of police officials followed by recovery would be admissible in evidence. He further submits that during the investigation, presence of the petitioner at the time and place of occurrence has been established. Out of total 28 PWs, 12 have already been examined and the next date of hearing before the learned trial Court is 20.05.2015. He also submits that the trial will be concluded in the near future and the petitioner is not entitled for bail pending trial, at this stage.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that in the peculiar facts and circumstances of the case noticed hereinabove, petitioner is entitled for bail pending trial. It is so said because the trial is going on at a very slow pace and learned counsel for the State could not give any plausible explanation for this inordinate delay of about two years for not concluding the prosecution evidence and rightly so because it is a matter of record. So far as the presence of the petitioner at the time and place of occurrence and his participation in the commission of crime is concerned, this Court refrains from making any comments in this regard, at this stage lest it should prejudice the rights of either of the parties.

However, keeping in view the totality of facts and circumstances of the case, present petition is allowed. Petitioner is directed to be released on bail pending trial, on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

13.05.2015
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