

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No. 16621 of 2015 (O&M)

Date of decision : July 14, 2015

Parvej,

..... Petitioner

v.

State of Haryana,

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Sarfraj Hussain, Advocate
for the petitioner.

Ms. Shruti Goel, AAG Haryana

1. **Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest ?**

Ajay Tewari, J (Oral)

The petitioner seeks grant of regular bail in case FIR No. 263, dated 29.5.2013, registered under Sections 201, 302, 34, 365, 392 of the IPC, at Police Station Samalkha, District Panipat.

On 23.1.2015, the following order was passed in CRM-M No.1831 of 2015 filed by the co-accused Narender alias Gunga :-

“ This is a petition for the grant of regular bail in case bearing FIR No. 263 dated 29.05.2013, under Sections 201/302/34/364/392 IPC, registered at Police Station Samalkha, District Panipat.

Learned counsel has argued that apart from the merits of the case the fact is that the petitioner has now been in custody since 30.05.2013 and the trial is nowhere near conclusion. Learned DAG, on instructions from ASI Krishan Kumar, states that more than half of the

witnesses have already been examined and the prosecution undertakes to conclude its entire evidence by 30.04.2015(subject to the fact that the petitioner does not obstruct the same) and in these circumstances there is no occasion to release the petitioner on bail.

I find weight in the argument of learned DAG and consequently dismiss the petition but direct the trial Court that in case the prosecution evidence is not concluded by 30.04.2015(subject to the petitioner not obstructing the same) it would release the petitioner on bail to its satisfaction.

Petition stands disposed of.”

Thereafter, on 30.4.2015, the petitioner moved an application for bail before the trial Court which was declined by order dated 12.5.2015 on the ground that the trial could not be concluded due to the fact that the petitioner had been seeking adjournment to argue an application which had been filed by the prosecution.

Counsel for the petitioner has argued that even if the petitioner was not entitled to claim bail on 12.5.2015, yet even till date the trial has not concluded and still 10 witnesses remain to be examined, out of whom 5 have been summoned for the next date.

These facts have been accepted by counsel for the respondent on instructions from ASI Krishan Kumar.

Counsel for the petitioner has further argued that the petitioner has now been in custody since 30.5.2013.

Counsel for the respondent, on the other hand, has argued that since the case could not be concluded because of the obstruction caused by the petitioner, he is not entitled for bail.

Counsel for the petitioner has argued that now the petitioner is pressing for bail on the ground that he has been in custody for a period of 2 years and 1½ months.

I find weight in the arguments of counsel for the petitioner. It is also not disputed that the co-accused has been released on bail. In the circumstances, I do not deem it appropriate to deny bail to the petitioner. Bail to the satisfaction of the trial Court. This petition stands disposed of.

July 14, 2015
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(AJAY TEWARI)
JUDGE