

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

**(209)**

**CRM-M-17253-2015**

**Decided on: October 06, 2015.**

**Suresh**

**.... Petitioner**

**Versus**

**State of Haryana**

**..... Respondent**

**CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI**

Present: Mr. N.S. Shekhawat, Advocate, for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

**M.M.S. BEDI, J (ORAL)**

The petitioner has been in custody w.e.f. 01.02.2012 in a case registered at the instance of Surender Kumar alleging that petitioner along with two other co-accused had attacked the complainant and the deceased. The allegations against the petitioner is that he is fired from his pistol resulting in the death of Mewa Singh as the bullet hit forehead of the deceased.

Learned counsel for the petitioner submits that the petitioner will have to face the agony of the trial in custody for more period on account of an additional accused having been summoned entailing de novo trial.

It has been argued that operation of the order summoning the co-accused has been stayed by this Court on account of which the trial Court is not further proceeding in the matter.

I have considered the facts and circumstances of the case.

In view of the role attributed to the petitioner, the petitioner cannot be granted the concession of bail on the ground that de novo trial will be initiated with summoning of the additional accused as only one witness has been examined and the next date of hearing for examination of the witnesses after re-framing of charges is stated to be 12.10.2015.

It is also important to note here that this Court has not stayed further proceedings. Trial Court is required to continue with the proceedings which will be subject to the final decision in CRR No.3061 of 2015 which is listed for today.

Dismissed, at this stage, with liberty to the petitioner to approach this Court again in case there is unreasonable delay on the part of the prosecution or the Court to examine the prosecution witnesses.

**(M.M.S. BEDI)**  
**JUDGE**

**October 06, 2015**  
*harsha*