

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No. 24462 of 2015
Date of Decision: August 20, 2015

Naresh Godara

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. R.S. Rai, Senior Advocate, with
Mr. Deepinder Brar, Advocate,
for the petitioner.

Mr. Kuldeep Tiwari, Addl. AG, Haryana,
for the respondent.

NARESH KUMAR SANGHI, J (Oral)

Prayer in this petition filed under Section 439, Cr.P.C.,
is for grant of bail to the petitioner, Naresh Godara, son of Ranjit
Singh, resident of village Kheowali, Tehsil and District Sirsa, who
has been booked for having committed the offence punishable
under Section 302 read with Section 34, IPC, in a case arising out
of FIR No. 619, dated 22.7.1998, registered at Police Station, City,
Sirsa.

Learned Senior counsel contends that after his arrest
in the year 1998/1999, the petitioner was granted interim bail by

this Court in the year 2002. Thereafter, due to unavoidable circumstances he (petitioner) could not appear before learned Trial Court and, as such, he was declared as a proclaimed offender and re-arrested on 2.11.2014 and since then he is behind the bars. He further submits that out of four co-accused of the petitioner, two were held guilty and sentenced to imprisonment for life. The appeal filed by the said co-accused/convicts is pending adjudication at final stage before Hon'ble Division Bench of this Court and the original Trial Court file is also attached with the paper book of the appeal filed by two convicts and, as such, the trial of the petitioner is not proceeding. He submits that the said original file be directed to be sent back to learned Trial Court so that the trial against the petitioner may proceed.

At this stage, learned Senior counsel submits that he may be permitted to withdraw the present petition.

Dismissed as withdrawn.

Since the matter is of the year 1998 and the trial could not proceed against the petitioner due to variety of reasons. At present the original file of the learned Trial Court is lying with this Court for adjudication of the criminal appeal filed by co-

accused/convicts of the petitioner.

In view of totality of the facts and circumstances of the present case, the Registry is directed to take necessary orders from Hon'ble Division Bench seized of the criminal appeal filed by co-accused/convicts of the petitioner for retaining the photostat copies of the whole record of the trial Court and sending back the original record to learned Trial Court for proceeding ahead with the trial of the petitioner.

After receipt of the original record, it is expected that learned Trial Court shall conclude the trial of the petitioner expeditiously.

(NARESH KUMAR SANGHI)
JUDGE

August 20, 2015
Pkapoor