

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

Cr. Misc. M 26770 of 2014
Date of decision:- 14.1.2015

Dara Singh

Petitioner

vs.

State of Punjab

Respondent

Present: Mr. SK Jain, Advocate.
Mr. CS Brar, DAG, Punjab

M.M.S.BEDI,J.

The complainant having not been examined and injury attributed to the petitioner with a kirpan on the left plank of Beant Singh, I do not find any ground to grant the concession of bail to the petitioner.

Counsel for the petitioner states that presumption of innocence is attached to the petitioner as he is an under trial and in custody w.e.f. 20.5.2013. There is no dispute regarding the legal position that till convicted, a person is deemed to be innocent but for the purpose of determining the culpability of an accused and the role attributed to him, prima facie case on merits, can always be taken into consideration by the court. The probability of tampering with the evidence or brow beating of the witnesses is also a circumstance, which has to be taken into consideration.

I have taken into consideration the totality of the circumstances as well as the delay, which has been caused in the conclusion of the trial. The petition is dismissed. However, a direction is issued to the trial court to take effective steps to record the statements of the injured and the eye witnesses within a period of three months after the next date of hearing fixed before it. It is ordered that in case the statements of the complainant and eye witnesses are not recorded within a period of three months after the next date of hearing, it will be open to the petitioner to approach this court again.

December 14 ,2014
TSM

(M.M.S.BEDI)
JUDGE