

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35536 of 2015
Date of Decision: 11.12.2015

Ravi

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Divjyot S. Sandhu, Advocate
for the petitioner.

Mr. Daljit Singh Virk, AAG, Punjab.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No. 232 dated 20.9.2013 under Section 307 IPC, registered at Police Station City Kapurthala.

Learned counsel for the petitioner submits that petitioner is inside the jail for the last more than seven months and trial is proceeding at a slow pace, as only one PW has been examined so far. He also submits that when the alleged incident took place, petitioner was not even present at the time and place of occurrence. He also submits that unfortunately, the petitioner has been falsely implicated in the present case at the instance of his own wife. He submits that wife of the petitioner tried to commit suicide and then

put the blame on the petitioner. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from HC Gian Singh, submits that so far as delay in the trial is concerned, it is the petitioner himself who is responsible because he had been running from law. In spite of the fact that FIR was registered on 20.9.2013, petitioner came to be arrested on 2.5.2015, during the pendency of proceedings for declaring him proclaimed offender. In such a situation, petitioner cannot be permitted to get benefit of his own wrong. Coming to the allegations levelled against the petitioner, learned counsel for the State submits that the same are serious and direct, petitioner being the main accused. He concluded by submitting that that one PW has already been examined and four have been summoned for the next date of hearing, i.e. 21.12.2015. Thus, there is no delay in the trial. He prays for dismissal of the present petition.

After hearing learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that keeping in view the totality of facts and circumstances of the case, petitioner has not been found entitled for the concession of bail pending trial. It is so said because it is a matter of record that FIR was registered on 20.9.2013 whereas the petitioner came to be arrested only on 2.5.2015. Thus, learned counsel for the State was found justified in contending that it is the petitioner himself who is responsible for delay in trial.

So far as allegations against the petitioner are concerned, the same are direct and serious and petitioner is the only accused.

In view of the above and without commenting any further on the merits of the case, lest it should prejudice the case of either side, at a later point of time, no case for bail pending trial has been made out.

Dismissed.

(RAMESHWAR SINGH MALIK)
JUDGE

11.12.2015
Ak Sharma