

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

CRM-M-37814-2015

Date of decision: 16.11.2015

Ram Parkash

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Kshitij Sharma, Advocate
for the petitioner.

Mr. Manoj Kumar Sangwan, DAG, Haryana.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.374 dated 01.07.2015 under Sections 420, 406, 506 IPC, registered at Police Station Saran, District Faridabad.

Learned counsel for the petitioner submits that petitioner is inside the jail for the last four and half months. He further submits that although the report under Section 173 (2) Cr.P.C. had been presented to the learned Court of competent jurisdiction, yet the charge is not being framed because the prosecuting agency does not seem to be interested. He also submits that on the one hand, trial is being delayed for none of the fault of the petitioner and on the other hand, he is inside the jail, causing serious prejudice to his valuable right of speedy trial. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Ishwar Singh, Police Station Saran, Faridabad, submits that there is

hardly any delay in the trial. He further submits that the moment the charge is framed, prosecution evidence will be produced at an early date and petitioner is not entitled for bail pending trial, at this stage. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties and after careful perusal of 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 noted above, petitioner has been found entitled for bail pending trial. It is so said because charge is not being framed for no good reasons. Avoidable delay in the trial certainly cause serious prejudice to the right of speedy trial of the petitioner. Since the prosecution evidence is yet to start, conclusion of trial will take some time.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, instant petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

16.11.2015
vishnu