

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

CRM-M-39367-2015

Date of decision: 04.12.2015

Jaswinder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. D.S. Malwai, Advocate
for the petitioner.

Mr. Daljit Singh Virk, AAG, Punjab.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.47 dated 17.06.2014 under Sections 376 & 506 IPC, registered at Police Station Rureke Kalan, District Barnala.

Learned counsel for the petitioner submits that the earlier petition seeking bail was dismissed as withdrawn on 21.07.2015, because an application under Section 319 Cr.P.C. was pending at that time before the learned trial Court. He further submits that petitioner is inside the jail for the last more than one year and only 03 PWs have been examined so far which shows that conclusion of trial will take long time. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Gian Chand, Police Station Rureke Kalan, Barnala, submits that the delay took place because the application under Section 319 Cr.P.C. was moved. He further submits that the trial is fixed for today itself and 03 more

PWs are likely to be examined today. He also submits that none of the PWs examined so far, has deposed anything in favour of the petitioner. The prosecution version recorded in the FIR was reiterated by the prosecutrix in her statement under Section 164 Cr.P.C. as well. He next contended that the prosecutrix has also levelled the allegation of abortion against the petitioner and allegations against the petitioner were direct and serious, because of which he is not entitled for bail pending trial. He prays for dismissal of the present petition.

After hearing the 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, noticed hereinabove, petitioner has not been found entitled for bail pending trial, at this stage. However, learned trial Court is directed to expedite the trial and ensure completion thereof at an early date.

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, no case for bail pending trial is made out.

Dismissed.

[RAMESHWAR SINGH MALIK]
JUDGE

04.12.2015
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