

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-39530-2014

Date of decision : 12.01.2015

Rajesh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.Anil Rathee, Advocate
for the petitioner.

Mr.Rajesh Gaur, Addl. A.G.Haryana
assisted by Mr. Deepakur Sharma, Advocate
for the complainant.

REKHA MITTAL, J.

The petitioner prays for grant of regular bail in FIR No.238 dated 15.06.2013 registered in Police Station Shivaji Colony, District Rohtak for offence punishable under Sections 302, 120-B, 201 of the Indian Penal Code (in short 'IPC') and Section 25 of the Arms Act.

Counsel for the petitioner contends that the petitioner is in custody for the past more than 1 ½ years but there is no progress in the trial pending before the Court of Sessions. It is further submitted that the present case is based upon circumstantial evidence and conclusion of trial in the circumstances is likely to take long time, therefore, the petitioner may be released on bail.

Counsel for the State, on the contrary, contends that the petitioner is the main accused in the case who fired shot from a pistol and caused death of Manoj, a co-employee with the petitioner working at the

liquor vends of one Nafe Singh Rathee (non-applicant) arraigned as accused. It is further submitted that due to non receipt of reports from the Forensic Science Laboratory and death of one of the accused during pendency of trial, the witnesses were not examined. The complainant has already been examined in the case and every effort would be made to ensure presence of witnesses before the trial Court.

I have heard counsel for the parties and perused the records.

The learned trial Court submitted a report in regard to progress in the trial proceedings and perusal thereof would make it manifest that the witnesses appeared before the Court but they could not be examined as counsel for the present petitioner raised an objection in absence of report of the Forensic Science Laboratory. Later, it was brought to the notice of the trial Court that one of the accused Nafe Singh passed away and information about his death was brought on record on 05.11.2014 and thereafter proceedings against the said accused were dropped having been abated. The reports of the Forensic Science Laboratory have now been tendered in evidence on 12.12.2014. Counsel for the petitioner has not disputed that the complainant has been examined in the case on 05.01.2014.

No doubt, the trial did not progress well for want of availability of reports of the Forensic Science Laboratory. However, the petitioner is the main accused in the case who himself raised objection regarding examination of witnesses for want of reports of the Forensic Science Laboratory. Keeping in view the gravity of allegations against the accused, I do not think it to be a fit case wherein delay can enure to benefit of the accused for release on bail. At the same time, in the light of fact that

accused has the right of speedy trial, the trial Court is directed to conduct day to day proceedings and would put its best efforts to conclude the prosecution evidence within next three months.

For the reasons aforesaid, the petition stands disposed of.

(REKHA MITTAL)
JUDGE

January 12, 2015.
Davinder Kumar