

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

CRM-M-4420-2015 (O&M)
Date of decision : 18.02.2015

Kuldeep @ Bholu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Vinod S. Bhardwaj, Advocate for the petitioner.

Ms. Trishanjali Sharma, AAG, Haryana.
assisted by SI Dalvir Singh.

JITENDRA CHAUHAN, J.

This is the second petition under Section 439 Cr.P.C. seeking regular bail in case FIR No.144 dated 06.07.2013, registered under Sections 399, 402 of the Indian Penal Code and Section 25 of the Arms Act, registered at Police Station Loharu, Distt. Bhiwani.

It is contended that the petitioner has been falsely implicated in the present case. The prosecution deliberately is not examining its witnesses. The petitioner is in custody since 06.07.2013. In the impugned order dated 28.03.2014, it is reflected that the challan stands presented but none of the witnesses examined till date. The learned counsel submits that the trial is not progressing. Even as on date, no prosecution witness so far has been examined, therefore, the

status of the trial remains to be the same as it was on 23.08.2014, when the bail application was dismissed by the trial Court.

The learned State counsel has not been able to state as to why the trial is not progressing and the circumstances withholding the prosecution witnesses.

This Court is of the considered view that the petitioner, for the inefficiency of the prosecution, cannot be kept under incarceration for indefinite period. In the circumstances, this Court feels that without going into further merits of the case, the conduct of the prosecution alone is sufficient to allow this petition.

In view of the above, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, subject to his furnishing bail bonds/surety bonds, to the satisfaction of the trial Court.

Allowed.

18.02.2015

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(JITENDRA CHAUHAN)
JUDGE