

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CRM-M-934-2015
Date of decision: 21.04.2015**

Jyoti

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr. Ashwani Gaur, Advocate for the petitioner.

Mr. Ashish Yadav, Addl. A.G., Haryana.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks bail pending trial in FIR No.231 dated 30.4.2012 registered under Sections 148, 149, 323 and 302 of the Indian Penal Code at Police Station Civil Lines, Hisar, District Hisar.

Notice of motion was issued and report from the learned trial Court was called for regarding status of the trial and reasons for non-examination of the prosecution witnesses. Meanwhile, prosecution agency was directed to make an earnest endeavour to produce material witnesses on the date fixed.

Learned counsel for the petitioner submits that despite the specific direction having been issued by this Court, trial is not making any progress. Prosecution witnesses are not being examined for the undisclosed reasons. Petitioner is inside the jail for the last about three years. He further submits that if the present pace of trial continues, it is not likely to be concluded in the near future. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Mehar Singh, Police Station Civil Lines, Hisar, submits that although some delay has been caused in producing the prosecution evidence because of unavoidable reasons, yet petitioner being the main accused is not entitled for bail pending trial. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of record of the case and giving thoughtful

consideration to the rival contentions raised, this Court is of the considered opinion that keeping in view the peculiar facts of the case particularly slow pace of trial, petitioner is entitled for bail pending trial.

In compliance of the notice of motion order dated 23.1.2015 passed by this Court, report from learned Additional Sessions Judge has been received which is available on record. Learned counsel for the petitioner has also made available a copy of order dated 3.4.2015 passed by the learned trial Court.

A combined reading of report dated 19.2.2015 received from the learned Additional Sessions Judge, Hisar and zimni order dated 3.4.2015 as well as the earlier zimni orders as available on record, would show that the prosecution agency is not taking any interest in the present case for the reasons best known to it. It is very sorry state of affair that prosecution witnesses are not being produced in the court, despite specific directions having been passed by the learned trial Court. The direction issued by this Court vide order dated 23.1.2015 has also not been meticulously complied with by the prosecution agency, which is clear from the zimni order dated 3.4.2015 passed by the learned trial Court. In this view of the matter, the present petition is allowed and the petitioner is directed to be released on his furnishing adequate bail bonds/surety bonds to the satisfaction of the learned trial Court.

Disposed of, accordingly.

21.04.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE