

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

(218)

CRM-M-9995-2015

Decided on: September 29, 2015.

Kuldeep

.... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. S.K. Garg Narwara, Sr. Advocate, with
Mr. Teevar Sharma Dumerkha, Advocate,
for the petitioner.

Mr. C.S. Bakshi, Addl. A.G., Haryana.

Mr. Sunny Bhardwaj, Advocate,
for the complainant.

M.M.S. BEDI, J (ORAL)

Learned counsel for the petitioner has inter alia argued that while disposing of the earlier application for regular bail filed by the petitioner, it was ordered that in case the evidence is not concluded within a period of three months, the petitioner would be entitled to approach this Court again for grant of bail. Reference has been made to the order dated 21.11.2014. Learned counsel for the petitioner has further submitted that on account of prosecution agency delaying the proceedings, a serious prejudice is being caused to the petitioner. He has further submitted that petitioner has only been attributed a lathi blow on the head of deceased Raj Kumar and that the injury has not even been repeated by the petitioner as such the offence of murder is not prima facie made out.

It has been informed that some additional accused have been summoned under Section 319 Cr.P.C on the basis of the statements made by the prosecution witnesses. There appears to be sufficient reason for the trial Court for having not been able to conclude the trial within a period of three months as directed vide order dated 21.11.2014. .

I have considered the contentions of learned counsel for the petitioner and I am of the opinion that delay in conclusion of the trial stands explained to the satisfaction of this Court but striking a balance between the liberty of the petitioner and his right for expeditious disposal and the interest of the prosecution agency, it will be expedient in the interest of justice to direct the trial Court to conclude the trial within a period of three months w.e.f. the next date of hearing.

This petition is disposed of without prejudice to the right of the petitioner to approach this Court again, in case there is unnecessary delay in conclusion of the trial. Prosecution agency is directed to make earnest endeavour to conclude the trial within a period of three months after the next date of hearing so that the petitioner may get a fair opportunity to produce his defence evidence.

(M.M.S. BEDI)
JUDGE

September 29, 2015
harsha