

CRM-M-11251-2016 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

207

**CRM-M-11251-2016 (O&M).
Decided on: August 22, 2016.**

Gulab and another

.. Petitioner(s)

VERSUS

State of Haryana

.. Respondent(s)

*** * ***

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

*** * ***

**PRESENT Mr.Navjot Singh, Advocate,
the petitioner.**

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

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

Petitioners seek concession of regular bail in a case registered at the instance of Ram Mehar alleging that he had seen the petitioners along with 4-5 other persons beating deceased Bunty with lathis and dandas.

Counsel for the petitioners has argued that the complainant has been examined in the Court and he has submitted a different version on oath.

Counsel for the petitioners further submits that the complainant-witness has stated that the petitioners had not caused any injury but had just thrown the body in front of the house of the complainant.

I have heard the counsel for the petitioners. The petitioners are in custody since March 2013.

State counsel on the instructions of ASI Jatinder Singh informs that all the prosecution witnesses have been examined.

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Counsel for the petitioners submits that an application for modification of the charges has been filed by the petitioners and the same is pending.

Heard. Taking into consideration, the stage of the trial when complainant and all other witnesses stand examined, it will not be appropriate for this Court to enter into the niceties of trial on appreciation of evidence with an objective to determine the prima facie culpability of the petitioners lest it should prejudice the right of the prosecution or the accused, at the time of final arguments. The custody of the petitioners since March 2013, is certainly a matter of concern.

In view of peculiar circumstances mentioned hereinabove, without expression of any opinion on merits, this petition is dismissed. However, direction is issued to the trial Court to expeditiously dispose of the trial within a period of two months' after the next date of hearing fixed before it by giving a fair opportunity to the petitioners to produce their defence.

(M.M.S. BEDI)
JUDGE

August 22, 2016.
rka

Whether speaking / reasoned
Whether Reportable:

Yes / No
Yes / No