

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-1352 of 2016

Date of Decision: March 15, 2016

Ankit

.....Petitioner

Vs.

State of Haryana

.....Respondent

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

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Present:- Mr.U.K. Agnihotri, Advocate
for the petitioner.

Mr. G.S. Salwara, DAG, Haryana.

Mr. P.S. Poonia, Advocate for the complainant.

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

Counsel for the petitioner has argued that as per the ocular version one show was fired but the medical evidence indicates that there is an injury on the left shoulder at the backside on account of which Jatin had died. Counsel for the petitioner submits that in view of glaring contradictions in the medical and ocular version i.e. the second injury on the other shoulder having not been explained, the petitioner can be granted the concession of bail.

I have considered the contention of learned counsel for the petitioner. It will not be appropriate at this stage to appreciate the alleged contradictions of ocular and medical version. Whether the medical evidence corroborates the ocular version would be required to be seen at the time of final stage.

In view of the role attributed to the petitioner, I do not find any ground to grant the concession of bail to the petitioner.

Dismissed.

At this stage, counsel for the petitioner has placed strong reliance on the judgment of **Dipak Shubhash Chandra Mehta Vs. CBI and another**, 2012 (1) RCR (Crl.) 870 to contend that an under-trial cannot be detained in custody for an indefinite period and that it will be violative of Articles 21 of the Constitution of India.

I have considered the facts and circumstances of said case. It was a case of economic offence of huge magnitude in which the Apex Court had made the observations in the present case. There are serious allegations against the petitioner having fired a shot at the deceased Jatin and caused his death. The ratio of the judgment cited by counsel for the petitioner is not applicable to the facts of the present case.

Counsel for the petitioner has also placed reliance on **Dalip Singh Vs. State of Punjab**, 2009 (1) RCR (Crl.) 657 in which the Division Bench of this Court had observed that Court should consider release of accused on bail if 180 days have passed and trial is not concluded.

The observations made in the said judgment do not lay down an absolute rule of law that in every case where 180 days have elapsed in murder case, the bail should be granted. Counsel for the petitioner has also not been able to establish that the delay in conclusion of the trial is attributable to the prosecution agency.

However, in the interest of justice, taking into consideration the period of detention suffered by the petitioner, a direction is issued to the trial Court to make earnest endeavour to conclude the entire evidence of the prosecution within a period of six months after the next date of hearing. If the trial is not concluded within a period of six months after the next date of hearing, the petitioner will be entitled to approach this Court again for grant of regular bail.

March 15, 2016
sanjay

(M.M.S.BEDI)
JUDGE