

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

208

CRM-M-31260-2016 (O&M).
Decided on: September 20, 2016.

Rijwan

.. Petitioner(s)

VERSUS

State of Haryana

.. Respondent(s)

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

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PRESENT Mr.Namit Sharma, Advocate, for the petitioner.
Mr.C.S.Bakshi, Addl. A.G., Haryana.

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

It has, inter alia, been argued that the petitioner is not named in the FIR. There was no identification parade but the petitioner has been involved in the case on the basis of recovery of money and the disclosure statement of the petitioner. It has been further submitted by the counsel for the petitioner that the petitioner has been in custody w.e.f. 10.8.2015.

I have heard the learned counsel for the petitioner and I am of the opinion that the allegations against the petitioner and his co-accused are that they had entered the house of the complainant and strangled his wife and taken away jewellery, cash and other valuable articles. No doubt out of 23 witnesses cited by the prosecution only 12 witnesses stand examined but taking into consideration the nature of the allegations, it would not be appropriate for this Court to enter into the niceties of the trial to appreciate the strength or weakness of the evidence already produced lest it should prejudice the right of the investigating agency or the petitioner.

Without expression of any opinion on merits of the case, this petition is disposed of with a direction that the trial will be concluded expeditiously by giving short dates of hearing adhering to the provisions of Section 309 Cr.P.C. by giving a fair opportunity to the petitioner to produce defence evidence. In case the trial is not concluded within a period of 7 months after the next date of hearing fixed before the trial Court, it will be open to the petitioner to approach this Court again.

(M.M.S. BEDI)
JUDGE

September 20, 2016.
rka

Whether speaking / reasoned
Whether Reportable:

Yes / No
Yes / No