

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

(206)

CRM-M-32078-2016

Decided on: December 17, 2016.

Vikram Kohli

.... Petitioner

Versus

State of Punjab

..... Respondent

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

Present: Mr. A.P.S. Randhawa, Advocate, for the petitioner.

Ms. H.K. Athwal, DAG, Punjab.

Mr. Rishu Mahajan, Advocate, for the complainant.

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

This is second application for grant of regular bail in a case registered at the instance of Talwinder Singh @ Bunty alleging that on 15.05.2015 the petitioner along with his other co-accused armed with pistol, datar, 'dang' etc. had attacked the complainant, his son, friend and his nephew. So far as the petitioner is concerned, the allegation against him is that he had fired shot from his pistol hitting at the forehead of nephew of complainant Hardeep Singh. The rivalry and pendency of the cases between the parties is attributed as motive.

Learned counsel for the petitioner has vehemently contended that the petitioner has been in custody for the last one and half year and that complainant and other eye witnesses are intentionally avoiding appearance before the trial Court in order to delay the proceedings and to ensure that the petitioner remains in custody.

Learned counsel for the complainant has intervened to oppose application for bail and submitted that the complainant has already been examined and that the injured, being not in a physically fit condition, is not able to attend the Court.

After hearing learned counsel for the petitioner and learned counsel for the complainant as well as going through the police record, I am of the considered opinion that balance is required to be struck between the right of an accused of expeditious disposal and the claim of the prosecution agency for securing the presence of an accused during the period of trial.

Without entering into the controversy regarding the reasons for delay in conclusion of the trial and without expression of any opinion regarding condition of the injured witness or the reasons for repeated adjournments, I am of the opinion that ends of justice would be adequately met by disposing of this application for bail by issuing a direction that in case all the prosecution witnesses are not examined within a period of three months after the next date of hearing, the trial Court shall release the petitioner on bail on his furnishing bail bonds/surety bonds to its satisfaction.

Disposed of with the aforesaid directions.

(M.M.S. BEDI)
JUDGE

December 17, 2016
harsha

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No