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

CRM-M-34135 of 2016

Date of decision: October 25, 2016

Raj Kumar @ Nitu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. B.S. Khehar, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

In FIR No.197 dated 18.06.2009, under Sections 148, 149, 302, 307, 120-B, 212, 404 of Indian Penal Code, 1860 (for short 'IPC') and Section 25 of Arms Act, 1959, registered at Police Station Sampla, District Rohtak, petitioner was arrested on 02.09.2009 and is under trial since then.

It is not in dispute that the petitioner is in jail as under trial since that date for over a period of 7 years. I have seen the FIR. The prosecution examined large number of witnesses during the last 7 years and as contended by the learned counsel for the petitioner, on two occasions, applications under Section 319 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') were filed and on one occasion, such application was filed and thereafter, some more witnesses were examined. Even now, according to the learned counsel for the

petitioner, recently, an application under Section 319 Cr. P.C. was filed on 14.10.2015 and 23 witnesses are to be examined. Out of which, only 5-6 witnesses have been examined. Though, it is true that the offence is under Section 307 IPC, but the fact remains that the petitioner has a fundamental right to have a speedy trial. For the applications made by the prosecution under Section 319 Cr. P.C. and then examining multiple number of witnesses, the trial has been crippled for which the petitioner cannot be blamed and detained. The petitioner has almost completed 7 years of imprisonment as under trial and the petitioner has right to have a speedy trial and cannot be detained ad-indefinitum.

In that view of the matter, in the interest of justice, it is required that the petitioner is ordered to be released on bail in the suitable conditions.

Hence, this petition is allowed. Petitioner be released on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned which shall be entitled to impose such conditions for releasing the petitioner on bail as it deem fit and proper.

(A.B. CHAUDHARI)
JUDGE

October 25, 2016

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No