

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

(225)

CRM-M-34157-2015

Decided on: April 11, 2016.

Amandeep

.... Petitioner

Versus

State of Punjab

..... Respondent

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

Present: Mr. D.S. Pheruman, Advocate, for the petitioner.

Mr. A.S. Kaler, DAG, Punjab.

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

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

Learned counsel for the petitioner has inter alia argued that the petitioner has been in custody w.e.f. 08.03.2014 and that the prosecution agency has not been able to conclude the trial.

With the assistance of learned State counsel, I have gone through the police record which indicates that out of 66 prosecution witnesses cited by the State, 56 witnesses have already been examined.

Learned counsel for the petitioner argues that there is absolutely no evidence brought on the record regarding the culpability of the petitioner.

Arguments of learned counsel for the petitioner to appreciate the evidence, at this stage, cannot be acceded to as it might prejudice the right of the prosecution or the petitioner himself while deciding the main case.

In the interest of justice, this petition is disposed of, at this stage, with the observations that in case all the prosecution witnesses are not examined within a period of two months after the next date of hearing fixed before the trial Court, it will be open to the counsel for the petitioner to move a fresh application before the trial Court taking up the plea that no evidence has been produced by the prosecution. It will be open to the trial Court to decide the bail application taking into consideration the material available on the record.

(M.M.S. BEDI)
JUDGE

April 11, 2016
harsha