

CRM-M-34997-2015

Date of Decision : 27.05.2016

Gursewak Singh @ Bhadauria

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. Amandeep Chhabra, Advocate
for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab

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

Petitioner has been in custody with effect from 08.09.2012 and only three witnesses have been examined. The petitioner was allegedly a member of unlawful assembly consisting of seven persons who armed with revolvers, pistols and baseball bat, attacked the father of the complainant and his uncle, as a result of which, father and uncle of the complainant died on account of fire arm injuries.

Perusal of the police file indicates that the motive in the present case was that Gurjant Singh, main accused had been arrested in one NDPS case few years prior to the occurrence for which he had suspicion that father of the complainant was responsible. On account of said grievance, the father and uncle of the complainant have been attacked as a result of which two murders were committed.

No doubt, the commission of offence of such nature is *prima facie* a heinous crime. In view of the fact that the trial is being conducted at snail's pace, a report was called from the trial Court to look into the reasons for delay. Few reasons have been given for delay

in the adjudication of the case.

Without expression of any opinion on merits, at this stage, this petition is disposed of with a direction to the trial Court to make an earnest endeavour to ensure that the trial is concluded expeditiously by giving short dates and ensuring the presence of witnesses, pursuant to the process issued by the Court.

It is further ordered that State will ensure the production of the accused on each date of hearing. Any miscellaneous application filed by the prosecution or the accused should be decided expeditiously. The trial Court shall follow the procedure under Section 309 Cr.P.C. for expeditious disposal of the case preferably within a period of six months. In case, all the prosecution witnesses are not examined or trial is not concluded within a period of six months, it will be open to the petitioner to approach this Court again for grant of bail.

Copy of the order be communicated to the trial Court for compliance.

(M.M.S. BEDI)
JUDGE

27.05.2016
Neha