

213-A

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

CRM-M-40213-2016
Date of Decision : 21.12.2016

Krishan @ PaddaPetitioner

versus

State of HaryanaRespondent

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

Present: Mr. N.S. Shekhawat, Advocate
for the petitioner.

Mr. G.S. Salwara, DAG, Haryana.

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

Learned counsel for the petitioner has vehemently contended that all the material prosecution witnesses have been examined and that it is apparent from the record that there are serious contradictions in the ocular and medical evidence produced, indicating the innocence of the petitioner.

Learned State counsel has opposed the bail application *inter alia* on the ground that all the prosecution witnesses, except for three witnesses, stand examined and next date of hearing before the trial Court is stated to be 07.01.2017. The trial is likely to be concluded in near future.

I have heard learned counsel for the petitioner and gone through the statements and I am of the opinion that since the stage of the trial is such where the bail application cannot be adjudicated upon without *prima facie* determining the culpability of the petitioner on appreciation of evidence, I do not deem it appropriate to indulge in appreciation of evidence, at this stage, lest, it should prejudice the case

of the prosecution or the accused at the time of trial. It is considered expedient in the interest of justice to issue direction to the trial Court to record the statements of all the remaining prosecution witnesses, within a period of one month and decide the case within a period of three months, thereafter, by giving fair opportunity to the petitioner and other accused to produce their defence evidence. In case the trial is not concluded by 30.04.2017, the trial Court shall release the petitioner on bail on his furnishing bail bonds/surety bonds to its satisfaction.

Disposed of in the above terms.

In case, the delay is attributable to the petitioner, it will be open to the prosecution agency to approach this Court for any modification of the order.

(M.M.S. BEDI)
JUDGE

21.12.2016
Neha

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No