

CRM-M-41057-2015

Date of Decision : 23.05.2016

Kulwinder Singh @ Kinda

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Ms. Vanita Sapra Kataria, Advocate
for the petitioner.

Mr. Jashanpreet Singh, AAG, Punjab.

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

Petitioner has been in custody with effect from 29.05.2013.

Role attributed to the petitioner is that he has fired from his 12 bore gun hitting the knee of the right leg of the deceased.

Learned counsel for the petitioner has *inter alia* argued that the petitioner has been in custody for the last about three years but only two witnesses have been examined. It has also been argued that after examination of two witnesses, an application under Section 319 Cr.P.C. has been allowed which would warrant recording of the statements of all the witnesses *de novo*.

Taking into consideration the period of detention suffered by the petitioner and the constitutional right of the petitioner for expeditious trial and keeping in mind the spirit of Section 309 Cr.P.C., I deem it appropriate, without expression of any opinion on merits, to dispose of the present petition, with a direction to the trial Court, to

make an earnest endeavour to record the evidence of all the prosecution witnesses, within a period of five months, after the next date of hearing by giving short dates of hearing and following the procedure prescribed under Section 309 Cr.P.C. In case, the trial is not concluded within a period of six months, it will be open to the petitioner to approach this Court again for concession of the bail.

The prosecution agency is directed to ensure that unnecessary delay in production of evidence should be avoided.

(M.M.S. BEDI)
JUDGE

23.05.2016

Neha