

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

(210)

CRM-M-42673-2015

Decided on: April 23, 2016.

Jitender @ Kaku

.... Petitioner

Versus

State of Haryana

..... Respondent

(2)

CRM-M-42105-2015

Decided on: April 23, 2016.

Jitender @ Kaku

.... Petitioner

Versus

State of Haryana

..... Respondent

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

Present: Ms. Priyanka Dalal, Advocate and
Mr. Sunil Dahiya, Advocate, for the petitioner,
in both the cases.

Mr. C.S. Bakshi, Addl. A.G., Haryana.

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

This order will dispose of two petitions, CRM-M-42673 of 2015 and CRM-M-42105 of 2015 filed by petitioner Jitender @ Kaku for regular bail.

The petitioner has been in custody w.e.f. 18.09.2014 in a case of kidnapping the son of complainant Kapoor Singh Ahlawat. He is also involved in another case of having fired at police party when an attempt was made by the police party to apprehend the petitioner.

With the assistance of learned State counsel and investigating officer, I have gone through the record and I am of the opinion that on account of most of the material witnesses having been examined, the bail application cannot be decided without appreciating the evidence produced on the record. Such an exercise will certainly be prejudicial to the accused or the State and any observation made may affect the final decision. It is deemed expeditious, in the interest of justice, to issue a direction to the trial Court to make earnest endeavour to record the evidence in both the FIRs i.e. FIR No. 279 dated 18.09.2014 under Section 364-A IPC and FIR No. 280 dated 18.09.2014 under Sections 307, 353, 186 IPC read with Section 25 of the Arms Act within a period of three months. In case, the entire prosecution witnesses are not examined within a period of three months, it will be open to the petitioner to approach this Court again for seeking cancellation of bail.

Both the petitions are disposed of with the abovesaid directions.

(M.M.S. BEDI)
JUDGE

April 23, 2016
harsha