

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

CRM-M-7162-2016

Date of Decision : 24.05.2016

Iqbal Singh @ Raju

.....Petitioner

versus

State of Punjab

....Respondent

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

Present: Mr.Vivek Goel, Advocate
 for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

Mr. A.S. Brar, Advocate
for the complainant.

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

Petitioner was a member of unlawful assembly of seven persons who, armed with rifles and other deadly weapons, had reached the house of complainant Kulwant Singh and opened fires towards the father of the complainant on account of which he died after receiving gun shot injury.

So far as the individual role of the petitioner is concerned, he is alleged to have fired along with other co-accused on the person of deceased but none of the shots hit him and had hit the gate or roof of the house.

Learned counsel for the petitioner submits that the allegations is against the main accused Harpreet Singh who fired gun shot, hitting father of the complainant. In the present case, only 12 out of total 30 witnesses have been examined till date, whereas the petitioner has been in custody for the last more than three years and four

months. It appears that the trial is proceeding at snail's pace.

There appears to be unreasonable delay in disposal of the case. Since petitioner was allegedly armed with weapon being member of unlawful assembly and had also fired without hitting anyone, it will not be appropriate at this stage to determine his *prima facie* culpability in the murder of Malkiat Singh with the aid of Section 149 Cr.P.C.

The petition is dismissed at this stage with a direction that trial Court shall make an earnest endeavour to conclude the trial within a period of five months from the next date of hearing fixed before it. In case, the trial is not concluded within a period of six months, as aforesaid, it will be open to the petitioner to approach this Court again for grant of bail.

(M.M.S. BEDI)
JUDGE

24.05.2016
Neha