

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-14486-2017

Date of decision : 14.09.2017

Mohinder Kumar

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr.J.S. Lalli, Advocate
for the petitioner.

Mr.Sandeep Mann, AAG, Punjab.

Mr.J.S.Thakur, Advocate
for respondent no.2.

AMOL RATTAN SINGH, J.(ORAL)

By this petition, the petitioner seeks cancellation of the bail granted by this Court to respondent no.2 vide the order of this Court dated 30.03.2017, passed in CRM-M-2731-2017, (Annexure P-2) with the present petition.

Learned counsel for the petitioner has submitted that, firstly, the contention made on behalf of respondent no.2 at the time when bail was granted, to the effect that he was throughout in touch with his wife telephonically, at the time when the petitioner is alleged to have been kidnapped by respondent no.2 and his accomplices, was a wholly incorrect statement, as he only made one phone call to his wife during the period that he remained in the (alleged) custody of respondent no.2 and the other accused.

Other than that, he submits that the trial has been continuously

2 witnesses out of 23 have been examined.

On query, all the parties are ad idem that the petitioner, Mohinder Kumar, and the complainant in the FIR, i.e. Bodh Raj, have both been examined; however, learned counsel for the petitioner in the present petition submits that the other key witnesses, including neighbours of the petitioner, are still to be examined.

He further submits that the petitioner was threatened by respondent no.2 in the month of June, 2017, in respect of which a report was made, and a “Calandra” has been presented against him.

Obviously that proceeding would carry on, on its own merit.

However, whether the delay in the trial is on account of the petitioner or prosecution witnesses delaying it, on account of applications being moved from time to time by the prosecution/complainant, or by the accused or their counsel, is a matter which will be gone into by the trial Court which will attempt to conclude the trial within a period of four months from today.

If the trial is being unnecessarily delayed by any action on the part of the accused or their counsel, a report to that effect shall be made by the trial Court to this Court.

Though this matter is being disposed of, the report of the trial Court with regard to progress of the trial and reasons for delay (if any) shall be put up to this Court on 15.01.2018.

(AMOL RATTAN SINGH)
JUDGE

September 14, 2017.

Davinder Kumar