

**254-2 *IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH***

CRM-M-14962 of 2015

Date of decision:19.01.2017

Deepak

... Petitioner

VS.

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

* * *

Present : Mr. Vikram Singh, Advocate
 for the petitioner.

Mr. Ashish Yadav, Addl. A. G. Haryana.

Mr. Vishal Rattan Lamba, Advocate
for the complainant.

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DEEPAK SIBAL, J.(ORAL)

Through the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 (for short “the Code”) the petitioner seeks regular bail in FIR No.02 dated 01.01.2014 registered under Sections 302, 323, 148, 149, 120-B IPC and 25/ 54/ 59 of Arms Act, at Police Station Samalkha, District Panipat.

Learned counsel for the petitioner submits that the petitioner has been in custody for nearly three years and has been falsely implicated on the ground of political rivalry between the complainant's family and the petitioner. He further submits that in the report filed under Section 173 of the Code, the petitioner had been found innocent.

In response, learned State counsel submits the the petitioner

and the deceased had fought the recent election for the post of Sarpanch in which the petitioner had lost and ever since such defeat the petitioner had been threatening the deceased with dire consequences. It was further submitted that Jai Bhagwan and Ajit Singh, who were eye witnesses to the crime have appeared before the trial Court and have specifically stated that the petitioner, armed with an iron rod, alongwith his co-accused caused as many as 38 injuries (out of which 8 were fractures) on the deceased.

The allegations in the present case are serious. A young man has been murdered in his prime after being mercilessly beaten. As per the post mortem report, he received 38 injuries out of which 8 were fractures. It has come on record that the deceased had defeated the petitioner in the election for the post of Sarpanch and ever since such defeat he had been consistently threatening the deceased with dire consequences. The eye witnesses to the crime, namely Jai Bhagwan and Ajit Singh have appeared before the trial Court and stated that the petitioner armed with an iron rod, alongwith his co-accused, caused as many as 38 injuries on the deceased.

So far as the complaint of delay in the trial by learned counsel for the petitioner is concerned, this Court had sought a report from the trial Court, a perusal of which reveals that the delay in the trial is also attributable to the defence counsel who on several occasions had sought and got adjournments.

Irrespective of the above, learned State counsel informs the Court that out of the total of 43 prosecution witnesses 17 have already been examined and 9 have been given up. He further states that 10 witnesses have been summoned for being examined on the next date before the trial Court which is 13.02.2017.

Taking into account the entire gamut of the above noted facts, I do not consider the present case to be a fit one for the grant of bail and the same is ordered to be dismissed.

However without commenting on who is guilty for delaying the trial, I deem it proper to direct the prosecution to complete its evidence within 4 months from the next date of hearing before the trial Court. This would of course be subject to the cooperation by the petitioner and his co-accused and if the prosecution evidence is not completed within the aforesaid period, the petitioner would be at liberty to revive the present petition.

Nothing said hereinabove shall be considered to be an expression of opinion on the merits of the case.

January 19, 2017
rimpal

(Deepak Sibal)
Judge

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No