

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

CRM-M-2022 of 2017
Date of decision:20.02.2017

Chandan Kumar

... Petitioner

VS.

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

* * *

Present : Mr. Prashant Vashisth, Advocate
for the petitioner.

Ms. Dhivya Jerath, Advocate for
respondent-State.

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DEEPAK SIBAL, J.(ORAL)

Through the present petition filed under Section 439 Cr. P. C., the petitioner seeks regular bail in FIR No.27, dated 04.03.2013, registered under Sections 363/ 365/ 34/ 302/ 201 of IPC at Police Station Sahnewal, Ludhiana City, District Ludhiana.

Seeking regular bail for the petitioner, learned counsel for the petitioner submits that the petitioner has been in the custody for the last about four years and even today seventeen prosecution witnesses remain to be examined.

Opposing the prayer for bail, learned State counsel submits that the deceased was a 12 year boy; the petitioner and the deceased's sister were in relationship and since the deceased saw both of them together and reported the same to his mother, the petitioner alongwith his co-accused strangled the deceased to death; that the dead body was recovered on the disclosure made by the petitioner and that the other two co-accused of his till date have not been apprehended inspite of strenuous efforts made by the prosecution. The State counsel further expresses an apprehension that the

petitioner being not a resident of State of Punjab was likely to jump bail.

So far as the delay in trial is concerned, learned State counsel submits that such delay was not caused at the behest of the prosecution and was for the reason that other two co-accused of the petitioner were not traceable. She, however, undertakes that the entire prosecution evidence, subject to the cooperation of the petitioner would be completed within four months from the next date fixed before the trial Court.

In the totality of facts as noticed above, while declining the prayer for grant of regular bail, I am of the considered opinion that the ends of justice would be met by issuing a direction to bind the State to the undertaking given above to conclude the entire prosecution evidence within four months from the next date before the trial Court. This of course would be subject to the cooperation by the petitioner.

Since the trial has been lingering on about four years, the trial Court is also requested to make every possible effort to conclude the trial expeditiously, but not later than six months from the next date before it.

If the time limits as referred to above are not adhered to, the Director Prosecution, Punjab would file an affidavit explaining the delay.

If the trial is not concluded within six months from the next date fixed before the trial Court, the petitioner would be at liberty to renew his prayer for the grant of regular bail through a fresh petition.

February 20, 2017
rimpal

(Deepak Sibal)
Judge

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No