

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

Cr. Misc. M 26906 of 2016
Date of decision: 30.1.2017

Sarwan

Petitioner

vs.

State of Punjab

Respondent

Present: Mr. TS Sangha, Sr. Advocate with
Mr. Arun Khatri, advocate.
Mr. Ps Bajwa, Addl.A.G. Hry
Mr. SPS Sidhu, Advocate.

M.M.S.BEDI,J.

Counsel for the State and counsel for the complainant have informed that the case is ripe for final disposal as all the prosecution witnesses have been examined and statements u/s 313 Cr.P.C. of the accused persons have also been recorded.

Counsel for the petitioner has inter alia argued that the petitioner has been in custody since 15.6.2013 and that despite repeated directions by this Court, the trial court has not concluded the trial, not only prejudicing the constitutional right under Article 21 of the Constitution of India, but causing serious prejudice to the petitioner as he will not be able to effectively produce the defence evidence.

I have considered the contention of counsel for the petitioner and I am of the opinion that no doubt there has been unreasonable delay in disposal of the trial. Without going into the reasons for the said delay, the bail petition cannot be decided, at this stage, without making a reference to the evidence, which has been produced but the said exercise is avoided as it might cause prejudice the prosecution agency or the

accused in case the merits are considered to determine whether prima facie petitioner would be entitled to bail in context to the merits. Avoiding any adjudication on merits, the petition is dismissed with liberty to the petitioner and his co-accused to raise all the pleas, taken up in this petition, at the final stage of the trial. It is expected that the trial court will conclude the trial by giving fair opportunity to the petitioner to produce defence evidence.

January 30 ,2017
TSM

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether Reportable

Yes/ No