

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No.M-44999 of 2016

Date of decision: 05.07.2017

Akshay alias Nitin

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. NS Shekhawat, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

RAJIV NARAIN RAINA, J.(Oral)

Status report by way of affidavit has been filed in Court by Mr. Surender Singh, AAG, Haryana. The same is taken on record. It is explained therein that out of 18 prosecution witnesses, 9 of them have been examined by the trial Court till date. There are 3 eye witnesses in the case and out of them 1 eye witness has been examined in chief and his cross has been deferred for 4.7.2017. Examination of eye witness/injured Akash is pending as his fitness certificate for his examination is yet to be furnished. This Court on 22.12.2016 had directed that the prosecution would ensure that the statements of the complainant, injured and eye witnesses is recorded before the trial Court and the matter was posted to 1.2.2017. On 1.2.2017, State counsel prayed for and was granted last opportunity to comply with the previous order with regard to the recording of statements of the complainant, injured and eye witnesses before the trial Court. Despite the said two orders, there has been failure to conclude the evidence, which has caused considerable delay in the trial and prejudice to the petitioner, who is entitled to a speedy trial.

The petitioner was arrested on 28.2.2016 and has been in

judicial custody since then. He has completed 1 year and 4 months in District Jail, Gurugram.

Mr. Sherawat has explained that the eye witness Pawan has been introduced later on. Having seen the occurrence, the petitioner had brought the injured admitted to hospital. He points to the Medical Legal Report, where the injured was admitted as unknown person. It is also argued by Mr. Sherawat that 11 blows were attributed to the injured while injured suffered two injuries.

Learned State counsel has vehemently opposed the petition for bail and prayed for dismissal of the same.

This is a matter of trial. No comments have been made on the merits of the case. The co-accused Rohit has been granted bail by this Court in Crl. Misc. No.M-36404 of 2016 (Rohit v. State of Haryana) vide order dated 29.11.2016.

In view of above, I find that no useful purpose will be served in continuing the detention of the petitioner.

Bail petition is allowed. The petitioner be released on bail, subject to the satisfaction of the concerned trial Court/Illaq Magistrate.

(RAJIV NARAIN RAINA)
JUDGE

05.07.2017

monika

Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No