

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

CRM-M-11672-2018
Date of decision:17.4.2018

Rambir Singh

.....Petitioner

Versus

The State of Haryana

.....Respondent

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. B.S. Rana, Senior Advocate with
Mr. Vikas P. Singh, Advocate
for the petitioner.

Mr. Vikas Malik, D.A.G., Haryana
for the sole respondent.

Mr. Deepender Singh, Advocate
for the complainant.

MAHABIR SINGH SINDHU, J. (ORAL)

CRM-13224-2018

Present application under Section 482 of the Criminal Procedure Code ('Cr.P.C.' - for short) has been filed on behalf of the complainant for placing on record true translated/typed copies of zimni orders/documents (C-1 to C-7) and for exemption from filing certified copies thereof.

For the reasons stated in the application, the same is allowed subject to all just exceptions. Documents (C-1 to C-7) are taken on record and Registry is directed to tag the same at the appropriate place.

CRM stands disposed off.

Main Case

This petition has been filed by the petitioner under Section 439 of the Criminal Procedure Code ('Cr.P.C.' - for short) for grant of regular bail in FIR No.449 dated 25.7.2016 under Sections 420, 406, 506, 120-B of the Indian Penal Code ('IPC' - for short) Police Station City Palwal.

It is contended by learned Senior Counsel for the petitioner that FIR in the present case was lodged by one Dinesh Singh son of Tej Pal on behalf of 14 victims including Bharat Pal who is the real brother of the petitioner. The petitioner is in custody since 20.12.2016 and charges in this case were framed on 20.4.2017 and out of total 21 (Twenty One) prosecution witnesses, only 10 (Ten) have been examined till date. It is further contended that since the conclusion of trial will take a long time, hence no useful purpose will be served by keeping the petitioner behind the bars.

On the other hand, learned State counsel as well as learned counsel for the complainant have vehemently opposed the prayer for grant of regular bail on the ground that bail application of the petitioner had already been dismissed as withdrawn from this Court on 31.7.2017 and 3.11.2017 with liberty to take recourse to the provisions of Section 437(6) Cr.P.C..

Heard both sides.

There is no dispute that the petitioner is in judicial custody for the last more than one year and three months and out of 21 (Twenty One) prosecution witnesses only 10 (Ten) have been examined till date.

Thus, the conclusion of trial is likely to take a long time, hence no useful purpose would be served by keeping the petitioner behind the bars any more. In view of the abovesaid circumstances, without expressing any opinion on the merits of the case, this petition is accepted. Petitioner-Rambir Singh be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate. It is made clear that petitioner will fully co-operate during the proceedings before learned Trial Court and will not seek any unnecessary adjournment.

At this stage, it has been pointed out by learned counsel for the complainant that despite rejection of the anticipatory bail of co-accused namely, Om Parkash up to the Hon'ble Supreme Court on 03.10.2016 no efforts have been made to arrest him till date. Investigating Officer, ASI Shaeed Ahmed, who is present in Court, on a query put by the Court, failed to explain as to what are the reasons for not arresting the said Om Parkash. Consequently, Superintendent of Police, Palwal is directed to look into the matter and submit a report to this Court on or before **14.5.2018**.

(MAHABIR SINGH SINDHU)
JUDGE

17.4.2018
Gaurav Sorot

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| 1. | Whether reportable? | Yes |
| 2. | Whether reasoned / speaking? | Yes |