

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

CRM -M-12792 of 2018 (O&M)

Date of decision: 04.04.2018

Sunil

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Abhilaksh Grover, Advocate for the petitioner(s).

Mr. Ripudaman, AAG, Haryana
assisted by ASI Sanjay Kumar.

Jitendra Chauhan, J. (Oral)

This is 5th bail application filed under Section 439 of the Code of Criminal Procedure in FIR No. 498 dated 29.06.2016, registered under Sections 272, 273, 420, 180 of IPC and Section 61 of Excise Act, at Police Station Civil Lines, Karnal.

Learned counsel for the petitioner contends that the petitioner in custody since 03.09.2016. Vide order dated 20.01.2017, this Court directed the trial to conclude the trial expeditiously. In subsequent bail application in CRM-M-25349-2017, it was reiterated that the trial be concluded expeditiously preferably within six months. Learned counsel for the petitioner states that despite the specific directions, the trial is not moving at the required pace. Learned counsel

refers to Annexure P-7, the zimni orders passed by the trial Court to contend that the prosecution witnesses are not appearing despite issuance of summons/warrants against them.

On the other hand, the learned State counsel opposes the bail application.

Heard.

Considering the fact that the trial is not progressing and the witnesses are not appearing despite issuance of summons/warrants, this Court feels that uncertainty has descended regarding the conclusion of trial, the petitioner cannot be kept in indefinite incarceration, without advertng to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds to the satisfaction of CJM/Duty Magistrate/trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

04.04.2018

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No