

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

**CRM-M No. 20322 of 2018
Date of Decision: 16.7.2018**

Baljit Singh

.....Petitioner

v.

State of Punjab

.....Respondent

CORAM HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Naresh Kumar Manchanda, Advocate, for the petitioner
Mr. K.S. Aulakh, DAG, Punjab

RAJBIR SEHRAWAT, J.

Present petition has been filed under Section 439 of the Cr.P.C. for seeking bail pending trial in the FIR No. 33 dated 6.4.2016 under Sections 302, 323, 148 and 149 IPC (Sections 307 and 201 IPC were added lateron), registered at Police Station Abohar, District Fazilka.

Learned counsel for the petitioner submits that the petitioner is in custody since 5.5.2016, however, not even a single witness has been examined so far. He is being kept in custody unnecessarily and without his fault.

Learned State counsel being instructed from ASI Sahib Singh, does not dispute the fact that out of total 27 prosecution witnesses, not even a single witness has been examined so far. However, the counsel submits that earlier there was some delay in the process because the proclamation proceedings against one of the co-accused were contemplated by the police. However, that accused was also arrested later on in another case. As on today, there is no impediment in leading the evidence of the prosecution.

Undoubtedly, the petitioner has suffered custody for no fault of his

own. However, interest of the prosecution is also to be taken into consideration. Hence, by making a balance between the right of the petitioner and the privilege of the State/the prosecution, it is ordered that the prosecution shall examine all the witnesses upto 20.12.2018, without fail.

It shall be the personal responsibility of the SSP, Fazilka, to ensure that all the witnesses; summoned by the trial Court from time to time; are present before the Court for their deposition. In case of default in production of witness on any date, as directed by the Trial Court, the SSP shall file his personal written explanation before the Trial Court; as to how the said witness could not be produced on that particular date.

The Trial Court is also directed to ensure that no unnecessary or undesirable adjournments are given in the case. In any case, the present trial shall be completed by 25.1.2019.

With the above directions, the present petition is disposed of.

(RAJBIR SEHRAWAT)
JUDGE

16.7.2018

Ashwani

Speaking/Reasoned
Reportable

Yes/No
Yes/No