

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30560-2017

Date of Decision: 01.02.2018

Jaswant Singh @ Guddu

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Rajesh Kumar Garg, Advocate,
for the petitioner.

Mr. Baljinder Singh Virk, D.A.G., Haryana.

Mr. Gaurav Sethi, Advocate,
for the complainant.

AMOL RATTAN SINGH, J. (ORAL)

Pursuant to the orders dated 16.01.2018 and 30.01.2018, Mr. K.K. Sidhu, IPS, Director, Forensic Science Laboratory, Haryana, Madhuban, is present in Court and his affidavit has been filed by learned State counsel, in which it is stated that he was on earned leave from 23.01.2018 to 28.01.2018 and he has submitted that he was actually out of the country; and that due to a delayed flight which came in only on 30.01.2018, i.e. the date he was supposed to appear before this Court, he could not so appear.

In view of the above, the explanation for non-appearance on the last date of hearing is accepted.

As regards non-receipt of the FSL report in the present case, for the past six months, he has submitted that the laboratory at Madhuban is understaffed, especially in the Documentation Wing and the Government is now in the process

of recruiting six new experts for the purpose.

He has further stated that the report in the present case would be sent to the trial Court within the next one week.

The presence of the Director is consequently, dispensed with.

Though learned counsel for the complainant and learned counsel for the State have opposed the bail application, however, upon query to learned State counsel, he on instructions from the police official who is present in Court today to assist him, does not deny that the complainant has still not been summoned by the trial Court to testify, even though the petitioner has been in custody for the past more than six months, with 20 other witnesses also still remaining to be examined.

In the opinion of this Court, the petitioner cannot be kept into custody for any further period as an undertrial, the offence alleged against him being one punishable under Section 306 IPC, though offences under Sections 3 and 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act 1989, are also alleged to have been committed.

Keeping in view the above and the fact that the trial is likely to take long as yet, the petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court.

February 01, 2018
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No.