

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

CRM-M No.35931 of 2017

Date of decision : 27.08.2018

Roop Lal

.....Petitioner

Versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Subhash Kumar, Advocate for the petitioner.

Mr. C. L. Panwar, Senior DAG, Punjab.

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DAYA CHAUDHARY, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to petitioner Roop Lal in case FIR No.61 dated 28.05.2016 under Sections 308, 323, 452, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station Bhogpur, Distt. Jalandhar Rural.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas he was not involved. As per the allegations in the FIR, only Mandeep Kumar, Navdeep and Joginder Ram have inflicted injuries and no injury has been attributed to the petitioner. Co-accused of the petitioner namely Balvir Kaur alias Balbir

Kaur approached this Court by way of filing CRM-M No.32295 of 2016 for grant of regular bail, which was allowed vide order dated 23.09.2016. Learned counsel also submits that the petitioner was earlier released on anticipatory bail but, thereafter, he could not appear and was declared proclaimed offender. The petition for anticipatory bail was dismissed vide order dated 19.04.2017. Learned counsel also submits that the petitioner himself surrendered before the trial Court on 05.05.2017 and since then he is in custody. Non-appearance of the petitioner was unintentional and not deliberate since he himself surrendered before the trial Court. Learned counsel submits that petitioner has undergone custody of more than 01 year and 02 months.

Learned State counsel submits that all the prosecution witnesses have been examined in chief and they are to be cross-examined by the petitioner-accused only and the delay is on the part of the petitioner.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have perused the contents of the FIR and other documents on the file.

Undisputedly, all the prosecution witnesses have been examined in chief and only their cross-examination remains to be done by the petitioner-accused side and the delay, if any, is on the part of the petitioner.

Accordingly, no ground is made out to release the petitioner on regular bail and the present petition stands dismissed.

However, the trial Court is directed to expedite the trial

preferably within a period of two months.

27.08.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No