

Date of decision:02.05.2019

(I)CRM-M-6934-2019 (O&M)

Sunil @ Payia

...Petitioner

Versus

State of Haryana

...Respondent

(II)CRM-M-7227-2019 (O&M)

Chander Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Aakash Juneja, Advocate
for the petitioner (In CRM-M-6934-2019).

Mr. Gautam Dutt, Advocate
for the petitioner (In CRM-M-7227-2019)

Mr. Munish Dev Sharma, AAG, Haryana.

RAJBIR SEHRAWAT, J. (ORAL)

This order shall dispose of above mentioned two petitions.

These petitions have been filed by the petitioners under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.538 dated 11.08.2017 registered under Sections 302, 120-B, 34 of IPC and Section 25 of Arms Act, at Police Station City Rohtak, Rohtak.

Learned counsels for the petitioners submit that the petitioners are in custody since 05.09.2017 and 13.10.2017, respectively. There are 29 witnesses. However, despite passing of more than one and a half year, only four witnesses have been examined so far and all the four witnesses have not supported the case of the prosecution. All the remaining witnesses are only the police officials, who have not been produced as witnesses before

the trial Court. As a result, the petitioners are suffering unnecessarily incarceration despite the fact that the case against them is totally false.

Learned counsel for the State submits that all the remaining witnesses are only the police officials. Some of the official witnesses/police officials have been summoned to be examined before the trial Court on the next date of hearing, which is fixed for 13.05.2019. It is further submitted that every effort shall be made to complete the evidence of all the police officials expeditiously. In any case, the entire evidence shall be led by 15th July, 2019.

In view of the above, this Court does not find any ground to interfere at this stage to grant concession of bail pending trial to the petitioners. Rather, it would be appropriate, if the trial Court is directed to complete the trial expeditiously, with a further direction to the prosecution to conclude its entire evidence before 15th July, 2019, coupled with some coercive directions to ensure the presence of the witnesses/police officials before the trial Court on time.

Accordingly, it is ordered that witnesses, which have been summoned to be examined before the trial Court for 13.05.2019, shall be examined as witnesses before the trial Court on the said date; without fail. All the remaining witnesses shall be summoned and examined on the date next fixed before the trial Court after 13.05.2019, but in any case, latest by 15th July, 2019. It is further ordered that in case, any witness is still not produced by the prosecution, even by 15th July, 2019, then the trial Court shall issue the warrants of arrest against such witnesses/police officials, by adjourning the case for not more than 15 days. The warrants of arrest shall be executed by Superintendent of Police, Rohtak, within a period of three

days, after issuance of the same and shall ensure that such witnesses/police officials are taken into custody, immediately. Such arrested persons shall be kept in District Jail, Rohtak; till their examination and cross-examination before the trial Court is complete.

(RAJBIR SEHRAWAT)
JUDGE

02.05.2019
Hemlata

Whether speaking/reasoned	Yes / No
Whether reportable	Yes / No