

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

CRM-M-32991-2018 (O&M)

Date of decision:09.01.2019

Navdeep @ Deepak

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Hemant Bassi, Advocate and
 Mr. Harmanjeet Singh Sandhu, Advocate, for the petitioner.

Mr. Munish Dev Sharma, AAG, Haryana.

Mr. Narender Kaajla, Advocate, for the complainant.

RAJBIR SEHRAWAT, J. (ORAL)

Present petition has been filed under Section 439 of Cr.P.C. for seeking bail pending trial in FIR No.0182 dated 10.05.2016 for the offences punishable under Sections 302, 34, 149, 120-B of IPC and Section 25 of Arms Act, registered at Police Station Sadar Hansi, District Hisar.

Pursuant to the previous order, learned counsel for the State has filed short reply by way of affidavit of Madan Lal, HPS, Deputy Superintendent of Police, Hansi, in Court today, in which it is stated that in the custody certificate earlier filed qua the petitioner, he was wrongly shown being in custody in other case on the date of occurrence. The correct date of custody in another case has now been mentioned in the affidavit. The affidavit also shows that after framing of the charge, 4 PW's have been examined and the complainant of this case, namely, Virender @ Bhola has also been examined as PW-2. It is also submitted in this affidavit that PW-2 Virender @ Bhola has turned hostile.

Further, learned State counsel has filed written statement by way of affidavit of Shamsher Singh Dahiya, Superintendent of Jail, Central Jail, Central Jail-I, Hisar, which is taken on record.

Learned counsel for the State, being instructed by ASI Randhir Singh, submits that there are total 32 witnesses in this case and out of those, only 04 witnesses have been examined so far.

Learned counsel for the petitioner submits that the petitioner has suffered excessive incarceration without there being any evidence against him. This can particularly be inferred because even the complainant has turned hostile and has not supported the case of prosecution.

Be that as it may, since there are other cases against the petitioner as well, including cases under Section 302 of IPC and in the present case several witnesses are yet to be examined, therefore, this Court does not consider it appropriate to release the petitioner on bail, at this stage.

However, this Court finds substance in the submission of the learned counsel for the petitioner that since even the complainant has not supported the case, therefore, his trial should not be prolonged unnecessarily.

In view of the above, the present petition is disposed of with a direction to the prosecution to examine all its witnesses within a period of next four months; from the date next fixed before the trial Court. Still further, it is directed that all the official witnesses, whom the prosecution wants to examine, shall be examined on the next date of hearing i.e. 17.01.2019. Remaining witnesses of the prosecution shall be examined within the above said period of 04 months.

(RAJBIR SEHRAWAT)
JUDGE

09.01.2019
Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No