

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35561-2018 (O&M)

Date of decision:21.01.2019

Islam

...Petitioner

Versus

State of UT, Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Naveen Sharma, Advocate, for the petitioner.

Mr.Rajeev Anand, Advocate, for U.T., Chandigarh

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No. 440 dated 11.12.2017 under Sections 386, 506, 34, 364-A, 395, 201 of IPC and Sections 25/54/59 of Arms Act, registered at Police Station Sector-36, Chandigarh.

Vide order dated 19.12.2018, it was directed that the prosecution shall complete its evidence before next date of hearing positively, failing which, the Superintendent of Police, Chandigarh shall remain personally present in Court; with his explanation qua the slackness on the part of the police in producing the evidence before the Court.

Since the evidence could not be completed as ordered above, therefore, the Assistant Superintendent of Police, Chandigarh, Ms. Niharika Bhatt is present in Court. The affidavit has been filed by her on behalf of the Administration saying that none of the prosecution witnesses could be served for 05.12.2018, due to short date. The next date of hearing fixed by the trial Court was 14.01.2019. The prosecution was scheduled to examine their witnesses on this date, however, the said date was declared a holiday and the matter was posted to 17.01.2019. Still further, it is pointed out in this affidavit that in the meantime, the report of CFSL, Chandigarh was

received with the retrieved data from the mobile phone seized from the custody of one of the accused person. Accordingly, the supplementary challan was prepared depicting the inter connectivity of the mobile phones of the accused persons. The supplementary challan was presented before the trial Court on 19.01.2019 itself.

Learned counsel for U.T., Chandigarh has submitted that as of today, there are only eight witnesses left to be examined by the prosecution. Out of these, six prosecution witnesses relate to the supplementary challan; which has just been filed by the police. It is further submitted that in any case, all the witnesses have been summoned/served for the next date of hearing i.e. 24.01.2019 and the prosecution would make its earnest efforts to complete the examination of these witnesses on that date only.

In view of the above developments, counsel for the petitioner submits that he does not want to press this petition at this stage, since the trial is at the fag end.

Accordingly, the present petition is dismissed as not pressed at this stage.

However, it is further directed that; in any case; the prosecution shall examine all their witnesses; to complete the entire evidence; by the first week of February, 2019.

(RAJBIR SEHRAWAT)
JUDGE

21.01.2019

Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No