

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.201

CRM-M-52797-2018 (O&M)

Date of decision : 16.5.2019

Ballu

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. V.K. Pujara, Advocate, for the petitioner.

Mr. Arun Beniwal, DAG, Haryana

SUDHIR MITTAL, J. (Oral)

This is the second petition filed by the petitioner for grant of regular bail in case FIR No.969 dated 17.9.2017, registered at Police Station City Karnal, under Sections 379-B, 392 IPC.

Learned counsel for the petitioner submits that the first bail application for grant of regular bail was rejected vide order dated 6.9.2018 passed by this Court on the ground that the petitioner is named as accused in other pending criminal cases also. However, directions have been issued to the trial Court to expedite the trial. Since then, only 01 additional witness has been examined and out of total 08 PWs, 05 PWs remain to be examined. The petitioner has been in custody since 17.10.2017 and in the circumstances prevailing, the trial is not likely to be concluded at an early date. Thus, the petitioner may be granted regular bail.

Learned State counsel does not dispute that 05 PWs still remain to be examined. On instructions from ASI-Ranbir Singh, he submits that the next date of hearing before the trial Court is 9.7.2019, for which date all the remaining 05 PWs have again been summoned. He further states that there are six other similar cases pending against the petitioner and thus, his bail petition be rejected.

A perusal of the order sheet shows that vide order dated 6.12.2018, the trial Court was directed to ensure that witnesses bound down for the next date of hearing are examined on the said date. The prosecution had examined 03 PWs out of total 08 PWs on that date. The same situation existed on 21.2.2019 also, when it was specifically mentioned in the order that in case the remaining witnesses are not examined before the next date of hearing, the petitioner shall be entitled to grant of regular bail. Today, the situation has not changed as is evident from the statement of the learned State counsel referred to hereinabove. Thus, the trial is not likely to be concluded at an early date. The petitioner has been in custody since 17.10.2017 and he cannot remain as an under trial in custody indefinitely. The prosecution has been unable to examine the remaining 05 PWs although, almost six months have elapsed and thus, I deem it appropriate to grant regular bail to the petitioner.

In view of the above, the petition is allowed and petitioner-Ballu, is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court concerned. However, keeping in view the fact that there are six more similar cases pending against him, one of the conditions that the trial Court will impose upon him is that the petitioner shall report to the police station concerned every week.

(SUDHIR MITTAL)
JUDGE

16.5.2019

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No