

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35165-2019

Date of Decision: 15.11.2019

Kuldeep

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. A.S. Lamba, Advocate,
for the petitioner.

Mr. Navdeep Singh, A.A.G., Haryana.

AMOL RATTAN SINGH, J. (ORAL)

Pursuant to the order dated 02.09.2019, an affidavit of Sh. Shivcharan, IPS, Superintendent of Police, Hisar, has been filed in Court today, which is ordered to be taken on record.

It is stated therein that an explanation has been called from the ASI who was present on the last date of hearing (to ostensibly assist learned State counsel).

Other than that, as regards the status of the trial, the Superintendent of Police has stated that the report under Section 173 (2) of the Cr.P.C. was submitted on 21.08.2018 to the competent Court, with charges having been framed against the accused on 01.09.2018, and with there being 17 prosecution witnesses, of whom 11 stand examined and the remaining summoned to testify on 05.12.2019.

Learned counsel for the petitioner however submits that the petitioner has been implicated only on the basis of a statement of a person who subsequently

turned hostile, with the deceased having died on account of suffocation due to sand in his entire system, and therefore the petitioner does not deserve to be kept in custody any longer.

Having considered that argument, with the petitioner being the sole accused in the case, registered for the alleged commission of offences punishable under Section 302 and Section 120-B of the IPC and Section 3 (2) (v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, and the trial being almost at its fag end, I would see no reason to entertain this petition, which is consequently, dismissed at this stage.

However, in the aforesaid circumstances, the trial Court is directed to ensure that the trial is concluded at the earliest, and if official witnesses are not appearing despite summons issued, that Court shall summon the Superintendent of Police concerned, as also the Head of the Department of any other witness who does not belong to the Police Department, so as to ensure that all official witnesses at least appear as and when they are summoned.

As regards any other witnesses, all necessary means shall be taken by the trial Court to ensure their presence.

November 15, 2019

nitin/dinesh

Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)
JUDGE

Yes
No.