

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

CRM-M No.39079 of 2019 (O&M)
DATE OF DECISION : 30th OCTOBER, 2019

Kuldeep Singh alias Keepa

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Ashish Aggarwal, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.129 dated 30.11.2014 registered under Sections 452, 323, 324, 148 & 149 IPC (Section 326 IPC added later on) at Police Station Sarai Amanat Khan, District Amritsar/Tarn Taran.

It is pointed out by learned counsel for the State that all the prosecution witnesses have since been examined. Now it is for the accused/defense only to get the trial completed. Henceforth, the prosecution is not responsible for any delay. But since the evidence of the prosecution have been completed, therefore, the petitioner ought not be released on bail pending trial.

As response to this, counsel for the petitioner submits that the case is being adjourned by the trial court for the same purpose after June, 2019. The petitioner does not even intend to lead any defense

evidence. Therefore, the petitioner is being unnecessarily incarcerated; without any effective proceedings being carried out against him.

Perusal of the *zimini* orders, produced by learned counsel for the petitioner, shows that on several dates, one or the other accused has not been produced before the trial court and this has also led to prolongation of the trial. Even the defense witnesses are not being examined by the other accused. The case is being adjourned for the same purpose repeatedly.

In view of the above, this court does not find any ground to interfere at this stage and to grant bail to the petitioner.

However, the stalemate, which has been created before the trial court, cannot be permitted to continue for an indefinite period. Hence, certain directions deserve to be issued for decision of the trial in a time bound frame.

Accordingly, the present petition is disposed of with direction to the trial court to complete the trial within a period of two months from the date next fixed before the trial court. It is further directed that the concerned authorities would be under responsibility to produce all the accused on all the dates before the Trial court. If on any date any accused is not produced before the Trial court, then the Sr. Superintendent of Police, Tarn Taran, as well as, the Superintendent, Central Jail, Amritsar, both shall remain personally present before the Trial court, with their personal affidavit as to why the accused was not being produced. In case any accused is not produced before the court on any date, then the Trial court shall also send a report to this court whether

the concerned Sr. Superintendent of Police and the Superintendent, Central Jail has, in fact, personally appeared before it and filed the affidavit; or not.

Still further it is ordered that the trial court shall grant only three opportunities to the accused; to produce all their defense evidence, whatever anyone of the accused intends to produce.

30TH OCTOBER, 2019
‘raj’

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>