

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206)

CRM-M-6070 of 2019

Date of Decision: 17.06.2020

Rakesh @ Midda

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. K.P.S. Virk, Advocate, for the petitioner.

Mr. Pradeep Prakash Chahar, DAG, Haryana.

Mr. B.S. Rana, Senior Advocate with
Mr. Gagandeep Rana, Advocate,
for the complainant.

Amol Rattan Singh, J. (Oral)

All the cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, filed under the provisions of Section 439 Cr.P.C., the petitioner seeks the concession of 'regular bail', upon FIR no.395, dated 14.12.2017, having been registered at Police Station Narnaund, District Hisar, alleging therein the commission of offences punishable under Sections 307, 120-B and 216 of the IPC, and Section 25 of the Arms Act.

After hearing arguments at some length of the counsel for the petitioner and learned State counsel, as also learned Senior Counsel appearing for the complainant, when this court was not inclined to grant the concession of bail to the petitioner keeping in view the fact that there are other cases of serious nature registered against him, Mr. Virk submits that the petitioner has been in custody for the past 2 years and 6 months and cannot be kept behind bars indefinitely, if the trial keeps extending.

Mr. Rana, learned Senior Counsel, rebuts that contention by submitting that the petitioner and his co-accused are deliberately trying to frustrate the trial after a direction was issued by this court that the injured witnesses be examined, because thereafter upon one injured witness being examined, two of the co-accused, who were absconding, surrendered before the trial court, so as to frustrate that examination which would have to be conducted again.

He further submits that three co-accused of the petitioner are still at large and therefore if the petitioner is admitted to bail, especially keeping in view his antecedents, he would try to intimidate the witnesses, and therefore he should not be admitted to bail.

Having heard learned counsel for the parties, I am not inclined to grant the concession of bail to the petitioner and consequently the petition is dismissed on the reasoning submitted by Mr. Rana, learned Senior Counsel appearing for the complainant, with which I agree.

However having said that, it is made absolutely clear that this court has not made any observation on the merits of the case, which would obviously be subject matter of the evidence to be considered by the trial court, with the observations of this court only being in the context of this petition by which the petitioner seeks the concession of being bailed out from custody.

17.06.2020
Vcgarg/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: Yes