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

CRM-M No. 26747 of 2020
Date of Decision: 14.09.2020

Vikas

-Petitioner

Vs

State of Punjab

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Prashant Vashisth, Advocate,
for the petitioner.

Mr. H.S. Sullar, D.A.G., Punjab.

RAJ MOHAN SINGH, J. (ORAL)

The case has been taken up for hearing through video-conferencing.

Petitioner in his second attempt seeks grant of regular bail under Section 439 Cr.P.C. in case bearing FIR No.366 dated 04.12.2014 under Sections 307, 506, 148, 149 IPC (Section 302 IPC added later on) registered at Police Station Focal Point, Ludhiana City.

On 14.02.2020, CRM-M No.28809 of 2019 was dismissed as withdrawn by passing the following order:-

“Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.366 dated 04.12.2014 registered under

Sections 307, 506, 148, 149 IPC (Section 302 IPC added later on) at Police Station Focal Point, Ludhiana.

Vide order dated 16.07.2019, the trial Court was directed to send a report with regard to status of the case viz-aviz the witnesses appeared to testify before the Court. On 15.11.2019, learned State counsel on instructions from police official made a statement that all the prosecution witnesses have been examined by the trial Court.

It appears that the order dated 29.10.2019 passed by the Additional Sessions Judge, Ludhiana was not brought to the notice of the learned State counsel, vide which an application under Section 311 Cr.P.C was allowed, thereby giving one effective opportunity to the prosecution to examine PWs Dr. Gurbinder Kaur, SMO of Civil Hospital, Ludhiana and MHC PS Focal Point along with register No.19 and case property was also summoned.

At this stage, the fact remains that one effective opportunity granted on 29.10.2019 is still intact and there is every likelihood of the trial being concluded either on the date fixed or soon thereafter.

Faced with this situation, learned counsel for the petitioner wishes to withdraw the present petition.

Dismissed as withdrawn.”

Thereafter, the Co-ordinate Bench in CRM-M No.14236 of 2020 decided on 23.06.2020 titled 'Babbu Bharti vs State of Punjab' passed the following directions:-

“Considering peculiar circumstances of the case and submissions made by learned counsel for the parties that trial is at the fag end and is fixed for 14.08.2020 for recording statement of the petitioner under Section 313 Cr.P.C., but without commenting on the merits of the case, petition is disposed of with direction to the trial Court to conclude trial and pronounce judgment before 31.12.2020.

Registry is directed to communicate this order to the concerned Court against acknowledgment.”

Evidently, the trial was delayed on account of the order passed in the application under Section 311 Cr.P.C. for summoning of Record Keeper of Rajindra Medical College which was allowed on 29.10.2019. The said order has attained finality.

Out of 23 prosecution witnesses, all have been examined except the summoned witness.

In view of directions issued in case of co-accused namely Babbu Bharti, no ground is made out to grant any indulgence to the petitioner.

This petition is accordingly, dismissed.

14.09.2020
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No