IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-44721-2019
Date of decision: 27.02.2020

Sahab Ram .....Petitioner

Versus

State of Haryana .....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Ashwani Bhardwaj, Advocate
for the petitioner.

Mr. Arjun Singh Yadav, AAG Haryana
for the respondent-State.

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ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.126 dated 01.06.2018 registered under Section 25 of the Arms Act, 1959 and Sections 285 and 365 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Bhattu Kalan, Fatehabad (challan presented under Sections 120-B, 148, 149, 201, 302, 285, 364, and 452 of the IPC and under Sections 25, 27 and 30 of the Arms Act, 1959).

Reply by way of affidavit of Sh. Subhash Chander, HPS, Deputy Superintendent of Police, City, Fatehabad has been filed in the Court today which is taken on record.

After arguing for some time, learned Counsel for the petitioner submits that the petitioner does not want to continue with the present petition and the same may be dismissed as withdrawn at this stage.

Dismissed as withdrawn at this stage.

Before parting with this case, it may be observed that the petitioner is in custody since 18.06.2018. As per the information given by learned State Counsel only one prosecution witness out of 44 prosecution witnesses has been examined so far.

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In view of the observations made by Hon'ble Supreme Court in ***Doongar Singh Vs. State of Rajasthan 2018 (1) RCR Criminal 256, State of U.P. Vs. Shambhu Nath Singh and others, 2001 (2) R.C.R. (Criminal) 390, Hussain and another Vs. Union of India 2017(2) RCR Criminal 312*** and ***Thana Singh Vs. Central Bureau of Narcotics 2013(1) R.C.R(Criminal) 861***, the Trial Court is directed to expedite the trial and conclude recording of prosecution evidence preferably within a period of four months by conducting trial on day to day basis by allocating block of dates for the trial as directed by Hon'ble Supreme Court and by issuing coercive process for securing presence of the witnesses, if so required.

In case of non-appearance of official witnesses, the Trial Court shall take appropriate action against the concerned police officials absenting without any lawful excuse by filing complaint under Section 174 of the Indian Penal Code, 1860 or taking proceedings under Section 350 of the Cr.P.C. against them.

A copy of this order be sent to the Trial Court concerned for requisite compliance.

27.02.2020 (**ARUN KUMAR TYAGI**)
Kothiyal **JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

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