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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5943-2021

Date of Decision: February 16, 2021

PRIYANKAL @ PINTU

...Petitioner

VS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr. Krishan Singh, Advocate
for the petitioner.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

Through the present petition, the petitioner is seeking grant of bail in case bearing FIR No. 151 dated 03.03.2016, under Section 302, 34 IPC and Section 25/54/59 of Arms Act, Police Station Urban Estate Rohtak, District Rohtak.

Notice of motion.

Ms. Harpreet Kaur, Assistant Advocate General, Haryana, accepts notice on behalf of respondent-State.

The aforesaid case was registered at the instance of Mahender s/o Kanwar Singh. As per version of the prosecution, the complainant had three daughters and one son, namely, Krishan. On 03.03.2016, the son of the complainant had gone from village Kharnar to ITI Kilo for his studies. However, when he reached near railway crossing, Ladaut road, then a quarrel had taken place between complainant's son and some boys. This information was given to the complainant by some persons and thereafter,

he had reached the spot and found dead body of his son. Further, it is the claim of the prosecution that two days prior to the occurrence in question, Krishan son of complainant had a quarrel with Priyankal and his friends who had also extended threats to kill Krishan. Now, he is fully sure that the said Priyankal has killed his son.

Now, it is submitted by learned counsel for the petitioner that a false case has been foisted upon the petitioner. He is in custody since 03.08.2016. Moreover, it is submitted that material witnesses have already been examined and they have not supported the prosecution version. As such, a prayer has been made for grant of regular bail to the petitioner.

On the contrary, learned state counsel, has resisted the claim for grant of bail. She submits that plea of false implication, as now raised can only be ascertained, at a later stage. The trial is making progress. In fact, it is submitted by learned State counsel that out of 27 cited witnesses, 26 have already been examined and only one witness remains to be examined. She submits that the next date fixed before the trial court is 23.02.2021 and has assured to examine the said witness, on the said date and at the maximum within a period of 10 days, thereafter. She further submits that since the trial is at the fag end, therefore no case is made out for grant of bail to the petitioner.

In view of the submissions made by learned State counsel, it is evident that trial is nearing its end, as only one witness remains to be examined. In the light of the same, learned State counsel is requested to ensure recording of the statement of witness, on 23.02.2021, the date already fixed before the trial court. In case, the said witness for one reason or the other is not examined, on the said date, then earnest efforts should be

made by the State to facilitate recording the statement of the said witness, within a period of 10 days thereafter and the trial court shall make an endeavour to record the statement of said witness, within the requisite period.

This arrangement, as such is acceptable to the learned counsel for the petitioner. He has also assured that after recording of the prosecution witnesses, he shall also produce his defence evidence expeditiously. In the light of the same, at this stage, learned counsel for the petitioner does not want to pursue with the present petition and wants to withdraw the same.

Keeping in view the submissions so made, the present petition stands dismissed, as withdrawn.

However, a copy of this order be sent to the learned trial court, so as to apprise the trial court of the time period given, for recording of the statement of the remaining witness and trial court is requested to make earnest efforts to decide the case, expeditiously.

**(ARCHANA PURI)
JUDGE**

16.02.2021
monika

Whether speaking / reasoned? No

Whether reportable? No