

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM No. M-11071 OF 2020 (O&M)

Date of decision : September 03, 2021

Sukant Chawla

....Petitioner

versus

State of U.T. Chandigarh

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Samir Rathaur, Advocate, for the petitioner
Mr. JS Toor, APP, UT Chandigarh
Mr. PS Ahluwalia, Advocate for the complainant/
respondent no. 2.

Fateh Deep Singh, J. (Oral)

The matter has been taken up through Video-conferencing on account of outbreak of pandemic COVID-19.

The accused-petitioner Sukant Chawla has sought second regular bail application under Section 439 Cr.P.C. in case FIR No. 277 dated 18.6.2018, under Sections 498-A, 304-B IPC (alternatively charged under section 302 read with section 120-B IPC), Police Station Manimajra, Chandigarh.

Heard Mr. Samir Rathaur, Advocate, for the petitioner; Mr. JS Toor, APP, UT Chandigarh assisted by Mr. PS Ahluwalia, Advocate for the complainant/respondent no. 2 and perused the records.

This Court in the earlier first bail application under Section 439 Cr.P.C. of the petitioner vide orders dated 31.1.2019 has passed detailed order declining the bail to the accused-petitioner husband Sukant Chawla.

The lone contention that has sought to be raised by learned counsel for the petitioner is that more than 03 years, 02 months and 15 days have gone by and the petitioner is still behind the bars and has sought to claim that due to present COVID-19 pandemic, the trial is likely to be prolonged.

The same is sought to be opposed with much vehemence by Mr. Toor assisted by Mr. Ahluwalia on the grounds that it is none but the intentional act of the petitioner side who were trying to delay the trial.

Upon perusal of the records it is saddening to note that PW2 father of the deceased complainant was examined much prior to 5.2.2019 and as is detailed in the interim orders of the trial court, till 16.3.2020 for one reason or the other which is purely attributable

to the defence, cross-examination of the witness has been prolonged. Delay as has been pointed out, for more than 25 opportunities have gone by for completing cross-examination of a single witness and so is the fate of PW3 another witness of the prosecution. What one can discern while going through the interim orders of the trial court how efforts have been made on flimsy grounds to delay the speedy trial are matters for which the petitioner side cannot be rewarded. The delay is primarily occasioned by the intentional act of the defence.

Keeping in view the earlier orders of this Court and the fact that there is no legally justifiable ground for allowing the bail necessitates dismissal of the present bail petition. Ordered accordingly.

September 03, 2021
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(Fateh Deep Singh)
Judge

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