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

CRM-M-11441-2020

Date of Decision: 01.11.2021

Rahul

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Z.S. Deswal, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

None for respondent No.2.

SUDIP AHLUWALIA, J. (ORAL)

In pursuance of the last order passed on 04.10.2021, the original record of CRM-M-39758-2019 has been placed before this Court today. A careful perusal of the same record goes to show that copy of the statement of complainant-Rahul was actually filed along with the petition but the index did not make any appropriate mention thereof, and the said document has been tagged in between running pages No.15 and 16 of the vernacular of the original FIR, which was clearly not noticed by the Registry.

2. To that extent, there would appear to have been professional incompetence on the part of Ld. Counsel representing respondent No.2/accused, who in his wisdom did not assign any Annexure number to the concerned deposition sheet, although a complete perusal of the petition bearing CRM-M No.39758 of 2019 also goes to show that there is no

avermnt to the effect that the petitioner had not been identified during the trial by the complainant. To that extent, there would appear not to be any conscious misrepresentation/concealment on the part of respondent No.2/accused, especially considering that his CRM-M-39758-2019 was actually filed in the Registry of this Court on 16.09.2019, whereas deposition of the complainant was recorded in the Ld. Trial Court on 25.02.2020.

3. At the same time, the order passed on 05.03.2020 by this Court in CRM-M-39758-2019 (Annexure P-1) also takes note of the special fact that the petitioner (respondent No.2/accused in this petition) had undergone very long period of detention since 14.08.2018, which would be more than one and a half years till the date of passing of the said order.

4. For the aforesaid reasons, there appears to be no justification to cancel the regular bail granted to respondent No.2/accused at this stage.

5. From his side Ld. State Counsel submits that out of total twenty three witnesses cited from the prosecution side, as many as eighteen prosecution witnesses have already been examined and the matter is now fixed for 24.11.2021 for further prosecution evidence of the remaining witnesses.

6. In such circumstances, the present petition is dismissed, but with a direction upon the Ld. Trial Court to make an endeavour to complete the trial as expeditiously as possible and preferably within three months from the date of communication of this order.

01.11.2021*Apurva***(SUDIP AHLUWALIA)
JUDGE**

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