

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

213

CRM-M-20159-2020

Date of decision: 22.01.2021

Manoj Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

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

Mr. P.S. Walia, Asstt. A.G., Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J. (ORAL)

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

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of regular bail in case FIR No.103 dated 04.05.2019 registered under Section 365 of the Indian Penal Code, 1860 (for short, "the IPC") and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Jamalpur, District Ludhiana to which Section 376 of the IPC was added lateron.

Custody certificate has been filed by the learned State Counsel through e-mail print out of which is taken on record.

After arguing for some time and highlighting delay in recording of prosecution evidence, learned Counsel for the petitioner has submitted that the petitioner does not want to continue with the present petition and the same may be dismissed as withdrawn at this stage.

Dismissed as withdrawn at this stage.

However, 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 trial and conclude prosecution evidence preferably within a period of four months from the date of receipt of copy of this order by conducting trial on day to day basis as far as possible and 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 any of the other prosecution witnesses, the trial Court shall take appropriate action against the concerned prosecution witness absenting without any lawful excuse by filing complaint under Section 174 of the IPC or taking proceedings under Section 350 of the Cr.P.C. against him.

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

22.01.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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