

106

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

1. CRM-M-32805-2020 (O&M)
Date of decision : 09.09.2021

Mukesh Kumar @ Mitu

...Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-34750-2020 (O&M)
Date of decision : 09.09.2021

Dimple

...Petitioner

Versus

State of Punjab

...Respondent

3. CRM-M-35740-2020 (O&M)
Date of decision : 09.09.2021

Pankaj Kumar @ Panka

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sunny K. Singla, Advocate for the petitioner.
(In all the petitions)

CRM-M-32805-2020 (O&M),
CRM-M-34750-2020 (O&M) and
CRM-M-35740-2020 (O&M)

-2-

Mr. Karanbir Singh, AAG, Punjab.

Mr. Munish Puri, Advocate for the complainant.
(In all the petitions)

VIKAS BAHL, J. (ORAL)

CRM-14918-2021 in CRM-M-32805-2020
CRM-14867-2021 in CRM-M-34750-2020
CRM-14879-2021 in CRM-M-35740-2020

These are the applications for preponement of the date of hearing in the main cases.

Applications are disposed of as having been rendered infructuous.

Main cases

By this order, CRM-M-32805-2020 filed by Mukesh Kumar @ Mitu, CRM-M-34750-2020 filed by Dimple and CRM-M-35740-2020 filed by Pankaj Kumar @ Panka, shall stand disposed of.

Prayer in the abovesaid three petitions is for grant of regular bail to the petitioner(s) in FIR No.67 dated 20.05.2020 registered under Sections 302, 307, 326, 323, 324, 201 and 34 of the Indian Penal Code, 1860 at Police Station Taragarh, Tehsil and District Pathankot.

Learned counsel for the petitioner(s) has sought to raise several arguments but faced with the situation that none of the alleged injured witnesses/eye-witnesses have been examined, he seeks permission of this Court to withdraw the present petitions at this stage with liberty to file fresh petitions after the evidence of two alleged witnesses namely Jyoti Singh and Jasbir Singh.

The prayer made by the learned counsel for the petitioner(s) is very genuine and thus, the present petitions are dismissed as withdrawn at this stage with liberty to the petitioner(s) to file fresh petitions for regular bail after examination of the said two eye-witnesses i.e. Jyoti Singh and Jasbir Singh.

It is, however, clarified that the prayer for regular bail would be considered independently after considering the submissions made by learned counsel for the petitioner(s) as well as by submitting the evidence of the abovesaid two witnesses.

Learned counsel for the State has pointed out that in the present case, although challan was filed on 13.08.2020 but no witness has been examined as yet and even the charges have not been framed in the present case.

Keeping in view the fact that the petitioners were arrested on 20.05.2020 and the challan was filed on 13.08.2020, the concerned trial Court is directed to expedite the present matter and to pass the order with respect to framing of the charges/discharge within a period of two months from the date of receipt of certified copy of the order and in case, the trial Court considers to frame the charges, then in that situation, direct the prosecution to examine the alleged eye-witnesses namely Jyoti Singh and Jasbir Singh as expeditiously as possible.

Learned counsel for the State has stated that they would fully cooperate with the trial Court and would produce the said two witnesses immediately in case the charges are framed.

CRM-M-32805-2020 (O&M),
CRM-M-34750-2020 (O&M) and
CRM-M-35740-2020 (O&M)

-4-

Needless to mention that this Court has not made any expression of opinion on the merits of the case.

In case, the subsequent regular bail applications are filed, it would be open to the petitioner(s) as well as counsel for the complainant to raise all the arguments in accordance with law.

09.09.2021

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No