

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

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**CRM-M-35622-2020
Date of decision: 21.01.2021**

Tilak D.C.

.....Petitioner

Versus

Union Territory of Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Shivam Grover, Advocate
for the petitioner.

Mr. Ashu Mohan Punchhi, Public Prosecutor with
Mr. Anupam Bansal, Addl. Public Prosecutor
for the U.T. Chandigarh.

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.184 dated 28.06.2019 registered under Section 302 read with Section 34 of the Indian Penal Code, 1860 in Police Station Sector 39, Chandigarh.

Learned Public Prosecutor for U.T. Chandigarh has filed video CD and still photographs printed from the video CD allegedly showing presence of and active participation by the petitioner in the crime which are taken on record.

Custody certificate has also been filed by learned Public prosecutor through e-mail print out of which is also taken on record.

After arguing for some time, 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with the present petition and the same may be dismissed as withdrawn at this stage.

Dismissed as withdrawn at this stage.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 conclude the trial 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 witnesses, the trial Court shall take appropriate action against the concerned witness absenting without any lawful excuse by filing complaint under Section 174 of the Indian Penal Code, 1860 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.

21.01.2021

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

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