

[153] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.731 of 2022
Date of Decision :23.03.2022

Nishan Singh ...Petitioner

versus

State of PunjabRespondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. A.S. Khinda, Advocate
for the petitioner.

Mr. Pankaj Gupta, Addl. AG, Punjab.

B.S. Walia, J. (Oral)

[1] Prayer in the petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.63 dated 16.06.2021 registered under Section 307 IPC, 1860 at Police Station Bholath, District Kapurthala during the pendency of the trial.

[2] Learned counsel for the petitioner contends that the petitioner is in custody since 27.06.2021, Challan has been presented on 15.09.2021 though, charges have not been framed and 04 out of 21 prosecution witnesses who are eye witnesses have given affidavit (Annexures P-2 to P-5) that the incident was an accident and there was no intention on the part of the petitioner to run over the complainants father.

[3] The second petition for regular bail was dismissed by the learned Addl. Sessions Judge, Kapurthala vide order dated 21.12.2021 by taking into account that the petitioner was being given a beating by his

tractor and when the complainant's father objected to the same, the petitioner ran over him with his tractor with the intent to kill him, resulting in the second leg of the complainant's father also being amputated.

[4] In the aforementioned circumstances, the learned Addl. Sessions Judge, Kapurthala, dismissed the second petition for regular bail on account of the offence alleged against the petitioner being grave and the father of the complainant having been rendered a cripple on account of his remaining leg also having got amputated in the incident.

[5] Leaned counsel for the petitioner states that till date even charges have not been framed, therefore, the trial is likely to take considerable period of time. I have considered the submissions of learned counsel but while taking into account all aspects of the matter, I am of the considered view that the instant petition does not warrant interference and can be disposed of by directing the learned trial Court to take steps to expeditiously examine the prosecution witnesses including the witnesses whose affidavits have been attached along with the instant petition and to conclude the trial in a time bound manner.

[6] Learned Addl. AG, Punjab, on instructions from ASI Ravinder Singh, P.S. Bholath, Kapurthala, states that he has no objection to the proposed course of action.

[7] Accordingly, in the light of the position noted above, while dismissing the application for regular bail, learned trial Court is directed to take steps to conclude the trial as expeditiously as possible, preferably

[8] Liberty to move an application for regular bail in accordance with law after the evidence of the 04 prosecution witnesses if the circumstances of the case so warrant.

[9] However, nothing stated hereinabove shall be taken to be an expression of opinion on the merits of the case.

(B.S. Walia)
Judge

23.03.2022
'Rajneesh'

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