

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5119-2022
Reserved on:17.03.2022
Pronounced on: 18.04.2022

Hema Rani ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

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

Mr. Harsimar Singh Sitta, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
44	28.04.2016	Dehlon, District Ludhiana	302, 34 IPC (201 IPC added later on)

1. The petitioner, incarcerated upon his arrest in the FIR captioned above, came up before this Court under Section 439 of Code of Criminal Procedure, 1973 (Cr.P.C) seeking bail.

2. Ld. Counsel for the petitioner contends that the prosecution witnesses did not support the prosecution's case in the trial, and the prosecution is likely to be dismissed. Hence pre-trial incarceration would cause an irreversible injustice to the petitioner and family.

3. The contention on behalf of the State is that the trial is at an advanced stage, and any observation made by this court might impact its outcome.

REASONING:

4. Although a perusal of the prosecution witnesses, whose statements have been annexed in the petition have turned hostile, however nothing stopped the petitioner from bring to the notice of this court the statements of all prosecution witnesses who stand examined along with the copies of the exhibits placed on record of the trial.

5. The trial is at an advance stage, and any observation by this court at this stage might prejudice the prosecution, complainant, or even the accused.

6. Given above, the petitioner fails to make a case for bail at this stage. However, this court requests the Ld. trial court to expedite the trial.

7. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

Petition dismissed in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

18.04.2022
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.