

213 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-11140-2022  
Decided on : 09.05.2022

Varun @ Vishu

..... Petitioner

Versus

State of Punjab

..... Respondent

**CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Prateek Rathee, Advocate  
for the petitioner.

Mr. Abhay Pal Singh Gill, AAG, Punjab.

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**Manjari Nehru Kaul, J.(Oral)**

This is the second petition filed under Section 439 Cr.PC for releasing the petitioner on bail in case FIR No.24 dated 07.02.2015 under Sections 307, 201, 34 IPC and Section 25/54/59 of Arms Act registered at Police Station Lalru, District SAS Nagar, Mohali.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been in custody for almost 6 years having been arrested on 31.08.2016 and the trial has not yet concluded. He submits that there is no likelihood of the trial concluding in the near future as 23 prosecution witnesses remain to be examined.

On a pointed query put to learned counsel as to what was the material change in circumstances subsequent to the withdrawal of the previous petition on 21.01.2021, he submits that the trial has been proceeding at a snail's pace and prosecution evidence has not yet concluded.

He further submits that even on merits, he has a good case as neither was the petitioner named in the FIR in question nor attributed any role. It was only after his arrest on 31.08.2016, a false recovery of fire arm was shown to have been effected from his possession.

Per contra, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite by urging that the petitioner is a man of criminal antecedents and is involved in as many as 18 other criminal cases both in the State of Haryana as well as Punjab. He has further submitted that no doubt, the petitioner was not named in the FIR in question, however, subsequent to the arrest of co-accused, who were named in the FIR in question, his role came to light and it was revealed that he alongwith the other co-accused had surrounded the complainant and thereafter inflicted serious injuries on his person. Learned State counsel submits that some of the material witnesses, who had been examined before the trial Court, including the complainant, had supported the case of the prosecution. It is also urged by the State counsel that in case the petitioner is extended the concession of bail, there is every likelihood that he could tamper with evidence and also try to influence the remaining witnesses to depose in his favour.

Heard learned counsel and perused the relevant material available on record.

In the facts and circumstances as enumerated hereinabove coupled with the criminal antecedents of the petitioner, this Court does not deem it fit to extend the concession of bail to the petitioner. Accordingly,

the present petition stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

At this stage, a prayer has been made by the learned counsel for the petitioner for issuance of directions to the trial court for expeditious conclusion of the trial as the petitioner has been in custody for almost 6 years.

In the wake of the long period of incarceration of the petitioner, the trial Court is directed to endeavour to expedite the trial and conclude the same preferably within a period of five months from today.

**(MANJARI NEHRU KAUL)**  
**JUDGE**

09.05.2022

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