

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

205

**CRM-M-14164-2022
Date of decision: 08.04.2022**

Ashok

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vivek Sheoran, Advocate
for the petitioner.

Mr. Rohit Arya, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

This is the second petition filed under Section 439 of the Cr.P.C. for grant of bail to the petitioner in case FIR No.724 dated 21.07.2017 under Sections 302, 307, 120-B and 34 of IPC and Section 25 of the Arms Act, 1959 registered at Police Station Sadar Hisar, District Hisar (annexed as Annexure P-1).

Learned counsel for the petitioner at the outset submits that the petitioner has been in custody since 27.04.2017 and there is no likelihood of the trial concluding in the near future, as an application under Section 311 of the Cr.P.C. moved by the prosecution was allowed for recalling of PW-1 Har Lal, who deposited the case property with the Forensic Science Laboratory (hereinafter referred to as 'FSL'). He further submits that the false implication of the petitioner in the case in hand is evident from the fact that the empties sent to the FSL did not match with the fire arm allegedly recovered from him. Still further, learned counsel submits that injured witness, Pradeep was given up by the prosecution during trial which created a big dent in the case of the

prosecution with respect to the authenticity of the allegations leveled in the FIR in question.

On the other hand, learned State counsel while opposing the prayer and submissions made by the counsel opposite submits that the FIR was promptly lodged wherein the petitioner was not only named but also attributed a specific role in the crime in question. He further submits that no doubt the injured witness Pradeep was given up by the prosecution and did not step into the witness box, however, all the material witnesses including the eye witnesses to the occurrence supported the case of the prosecution in its entirety. Learned State counsel on instructions submitted that the petitioner fired at the deceased from the fire arm which he was carrying at the time of the occurrence in question and the said fact was duly corroborated by the eye witnesses during their testimony before the trial Court.

Learned State counsel further submits that the delay in the conclusion of the trial has been firstly on account of an application under Section 319 of the Cr.P.C. having been allowed as a result of which a denovo trial had to commence all over again. Thereafter, due to the outbreak of the pandemic Covid-19, the trial could not proceed further. He submitted that since the entire evidence had concluded and only PW-1 Har Lal remained to be examined that too pursuant to the application under Section 311 of the Cr.P.C. having been allowed, the trial would not take much time to conclude, moreso, since the Courts had resumed normal functioning.

I have heard learned counsel for the parties and perused the relevant material on record.

As per instructions received by the learned counsel for the State, the trial is nearing conclusion, hence, this Court does not in the facts and circumstances deem it fit to extend the concession of bail to the petitioner. The petition stands dismissed. It is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

However, at the same time this Court cannot lose sight of the fact that the petitioner has been in custody for almost five years. The trial Court, therefore, is directed to make earnest efforts to expedite and conclude the trial positively on or before 31.05.2022.

08.04.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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