

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

CRM-M No.13995 of 2022(O&M)

Reserved on 04.08.2022

Date of Decision:06.08.2022

Jagtar Singh

..... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Baltej Singh Sidhu, Sr. Advocate with
Mr. Satveer Singh Badal, Advocate
for the petitioner.

Mr. C.L. Pawar, Sr. DAG, Punjab.

Mr. P.S. Ahluwalia, Advocate
for the complainant.

RAJ MOHAN SINGH, J.

[1]. Petitioner seeks grant of regular bail under Section 439 Cr.P.C in his third attempt in case bearing FIR No.87 dated 18.11.2018 registered under Section 302 IPC and Sections 25, 27 of the Arms Act (offences under Sections 420, 467, 468, 471, 473, 120-B IPC added and Section 27 of the Arms Act deleted later on) at Police Station Sadar Rajpura, District Patiala.

[2]. CRM-M No.8788 of 2020 was dismissed on merits at that stage. Thereafter, CRM-M No.12879 of 2021 was dismissed on 12.11.2021 on the ground that the status of the trial would show that there is a mark improvement in the trial even after restricted mode of functioning of the Court. The petition was dismissed with a request to the trial Court to summon the remaining witnesses after 06.01.2022 for shorter date and make every endeavour to conclude the prosecution evidence at the earliest by giving short adjournments. The order came to be passed on the premise that out of total 62 prosecution witnesses, 23 witnesses were examined before 12.11.2021. 23 prosecution witnesses were given up and 7 prosecution witnesses were summoned for 16.12.2021. Three prosecution witnesses were summoned for 06.01.2022. In view of possibility of prosecution witnesses being examined on the aforesaid two dates, it was expected that the remaining witnesses would also be examined very shortly thereafter.

[3]. Order dated 12.11.2021 passed in CRM-M No.12879 of 2021 was assailed by the petitioner in Special Leave to Appeal (Crl.) No.10092 of 2021 before the Hon'ble Apex Court, but the same was got dismissed as withdrawn on 05.01.2022.

[4]. Learned Senior Counsel for the petitioner has placed on record three interlocutory orders dated 21.07.2022,

25.07.2022 and 01.08.2022 passed by the Court of Sessions at Patiala.

[5]. Perusal of the order dated 21.07.2022 would show that statements of PW-28 Rohit Singh and PW-29 Anil Arora have been recorded. Statement of DSP Dalvir Singh has also been recorded in chief and his cross-examination was deferred as one of the defence counsel Sh. R.S.Grewal, Advocate was stated to be out of country. Remaining defence counsel could not decide amongst themselves as to who shall put the said witness and ASI Tejinder Singh to cross-examine first. The Court after noticing the aforesaid fact, adjourned the case for 25.07.2022 with a caution that no further request for adjournment shall be entertained and the examination of the witnesses shall start exactly at 10 a.m. DSP Dalvir Singh and ASI Tejinder Singh were bound down for 25.07.2022. On 25.07.2022, notice issued to sapurdar Dinesh Kumar was received back with an endorsement that he was not living on the given address. The notice was issued to his identifier. Order of sapurdari and bonds were cancelled and forfeited to the State. The seizure warrants were also ordered to be issued, thereby asking SHO, Police Station Sadar, Rajpura to seize the vehicle for its production in the Court. ASI Tejinder Singh was present, but DSP Dalvir Singh was not present as he was working as

Commandant, Second Commando Battalion, Bahadurgarh. A request was received from him that his ADGP had to visit his Battalion due to which he was unable to attend the Court. Both the witnesses were to be cross-examined together as the objection of piecemeal examination was upheld by the predecessor Court. The case was adjourned to 01.08.2022. On 01.08.2022, cross-examination of PW-25 ASI Tejinder Singh was concluded. DSP Devinder Singh was also present for cross-examination, but the defence Advocate submitted that almost entire day was consumed in putting ASI Tejinder Singh for cross-examination and no time was left for cross-examination of DSP Devinder Singh. On the request of defence counsel, the case was adjourned to 08.08.2022 and the witness was bound down for the said date. Witnesses at serial Nos.24, 25, 27 and 38 have also been summoned for 08.08.2022.

[6]. As of now, out of total 62 prosecution witnesses, 29 witnesses have already been examined. 26 witnesses have been given up. In this way, 7 prosecution witnesses are left to be examined out of 62 witnesses. 4 witnesses have been summoned for 08.08.2022 and only 3 witnesses are left to be examined. Petitioner is in custody since 07.12.2018.

[7]. In the light of aforesaid facts, I deem it appropriate to dispose of this petition with a direction to the trial Court to

conclude the trial within two months by giving short adjournments. In case, the trial is not concluded within a period of two months from today, the petitioner would be at liberty to file fresh application for grant of regular bail before the trial Court and in the event of filing such an application, the same shall be decided in accordance with law.

[8]. Disposed of.

06.08.2022
Prince

(RAJ MOHAN SINGH)
JUDGE

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