

CRM-M-33018-2021

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33018-2021
Reserved on: 14.09.2022
Pronounced on: 30.09.2022

Om Prakash Senar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Manpreet Singh Dua, Advocate for the petitioner.

Mr. H.S. Sitta, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
150	04.12.2019	Balongi, Distt. SAS Nagar (Mohali)	302 IPC

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 (CrPC) 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. While opposing the bail, Ld. counsel representing the State contends 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. A perusal of the bail petition and the documents attached, prima facie points towards the petitioner’s involvement and does not make out a case for bail.

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

6. Given above, the petitioner fails to make a case for bail.

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. All pending applications, if any, stand disposed.

Trial be expedited; however, if the accused seeks even a single adjournment, this order shall be deemed to have been recalled and withdrawn without any further reference to this court.

(ANOOP CHITKARA)
JUDGE

30.09.2022
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Whether speaking/reasoned:	Yes
Whether reportable:	No.