

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(207)

CRM No. M-30565-2022

Date of Decision : 29.10.2022

Amarjeet alias Bholu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Satbir Singh Kanwar, Advocate for the petitioner.

Mr. Rajesh Gaur, Additional Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

This is the 2nd petition filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 294 dated 12.06.2017, under Sections 302, 120-B, 34 IPC, registered at Police Station Sadar Bahadurgarh, District Jhajjar.

Learned counsel for the petitioner submits that co-accused, namely, Manish @ Kaku, who is similarly situated as the petitioner, has already been granted regular bail by the Co-ordinate Bench of this Court while passing order in CRM No. M-42594 of 2021, decided on 21.03.2022. Learned counsel further submits that the material witnesses have been examined and they have not supported the prosecution version and the petitioner is behind bar for the last five years and three months. Learned counsel further submits that as there are total 29 prosecution witnesses, out

of which, 15 witnesses are yet to be examined, hence the petitioner may kindly be extended the concession of regular bail on parity with the co-accused, namely, Manish @ Kaku as well as keeping in view the facts and circumstances of this case that the petitioner is behind the bar for the last more than 5 years.

Notice of motion.

Mr. Rajesh Gaur, learned Additional Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondent-State. Learned State counsel does not dispute the fact that the petitioner as well as co-accused, namely, Manish @ Kaku are similarly situated and the material witnesses have already been examined, who have not supported the case of the prosecution but submits that the petitioner is facing five FIRs and even the present FIR was registered, when the petitioner was on bail in another FIR and the allegation against the petitioner is of using firearm upon the victim, which injury led to the death of the victim, hence as the petitioner is a habitual offender, the prayer of the petitioner may kindly be declined.

Faced with this situation, learned counsel for the petitioner submits that though the petitioner has filed the present petition for the grant of regular bail but as the petitioner is behind the bar for the last more than 5 years, the respondents may kindly be directed to conclude the trial in a time bound manner so that petitioner does not suffer the prejudice of incarceration indefinitely.

Learned State counsel raises no objection for the grant of prayer as made by learned counsel for the petitioner.

Keeping in view the facts and circumstances of this case, where the petitioner is already behind bars for the last more than 5 years, the trial

Court is directed to conclude the trial within a period of six months from the next date of hearing even if the same has to be done by giving short adjournments.

Petition is disposed of in above terms.

October 29, 2022
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No