

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

206

CRM-M-38161-2019 (O&M)

Date of Decision: 21.10.2022

Shekhar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. S.K.Bishnoi, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

Today, at the very outset, learned counsel for the petitioner submits that he may be permitted to withdraw the instant petition at this stage with liberty to file afresh at a later stage in case the trial is inordinately delayed.

In view of the aforesaid submission, the petition is dismissed as withdrawn with liberty as prayed for.

It has been informed that although there are two accused in the present case, but one had earlier been declared a proclaimed offender and it is the petitioner only, who had been facing trial. As many as 16 PWs out of cited 25 PWs had already been examined. However, subsequently upon arrest of the co-accused Parveen, who had been declared a proclaimed offender, a *de novo* trial has commenced and after framing of charges afresh, 2 PWs have been examined. It has also been informed that the petitioner as on date has been behind bars since the last about 3 years & 11 months.

Having regard to the aforestated position, wherein the petitioner has already suffered incarceration for about 4 years and a *de novo* trial has commenced, this Court is of the opinion that it is a case where the trial of the petitioner could be segregated so as to avoid further lengthy incarceration keeping in view the fact that a large number of PWs already stood examined when the petitioner alone was being tried.

As such, it is directed that the trial Court shall segregate the trial of the petitioner from that of co-accused Parveen and shall continue proceedings, as were being conducted pursuant to charges framed against the petitioner previously when he alone was being tried. The statements of PWs already recorded shall be taken into account and the statements of remaining PWs only shall be recorded.

Since it is only about 6 or 7 PWs, who would be required to be examined as far as trial of the petitioner is concerned, the prosecution is directed to ensure that the presence of the remaining PWs is duly secured on the dates when they are summoned by the trial Court for recording their statements. The trial Court is directed to fix short dates for recording remaining evidence qua the petitioner and to take necessary steps, as may be possible, for expeditious disposal of the trial qua the petitioner.

Further, in order to ensure that the said 6 or 7 remaining PWs are not made to appear repeatedly for their depositions in separate trial of co-accused, the trial Court shall fix same dates in both the said trials for recording their statements separately in both trials, but on same day.

A copy of this order be conveyed to the trial Court immediately.

21.10.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**