

CRM-M No.3365 of 2023 (O&M)

Date of Decision: 27.01.2023

Wahid @ Fita

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Ms. Rosi, Advocate
for the petitioner.**GURBIR SINGH J. (ORAL)**

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.0064, dated 06.04.2019, under Sections 201, 302 of IPC (later on Section 34 of IPC was added), registered at Police Station Bicchor, District Nuh.

Learned counsel for the petitioner submits that there is no eye-witness of the occurrence. The case was registered on the statement of complainant/mother of the deceased. The brother of the deceased made the statement regarding the last seen of deceased in the company of petitioner and co-accused Arshad. The petitioner was arrested in some other case, bearing FIR No.109, dated 25.06.2019, where he was made to confess about the murder in the present case and he was implicated in this case. The petitioner is in custody since 25.06.2019. Challan was presented long time back. Trial is yet not completed. The main witnesses are already examined. There is no question of tampering of any of the witnesses.

Learned counsel for the petitioner has relied upon judgments of Hon'ble the Supreme Court passed in "*Prasanta Kumar Sarkar versus Ashis Chatterjee & Another*", 2011(2) Law Herald 1385 (SC) and "*State*

of Kerala vs. Raneef", 2011 (1) SCC 784, to support her case.

Mr. Karan Sharma, DAG, Haryana, has joined the proceedings in pursuance of the copy of the petition having been sent to the respondent-State in advance.

Learned counsel for the State has supplied copies of the orders dated 18.01.2023 and 21.01.2023, wherein it has been mentioned that the accused has been examined and his statement under Section 313 of Cr.P.C. was recorded. The case was adjourned to 21.01.2023 for defence evidence. On that day, i.e., on 21.01.2023, on the request of learned defence counsel, the case was adjourned to 30.01.2023 for defence evidence, if any, otherwise for arguments.

Since evidence of prosecution has already been recorded and case is at the stage of recording of defence evidence, it would take much time to decide the same. One of the grounds to release the man on bail is that the completion of trial will take long time. Now the trial is going to be completed very soon. If evidence of prosecution analyzed at the stage, it may also cause prejudice to the petitioner.

Without commenting upon the merits of the case and hearing learned counsel for the parties, the present petition stands dismissed.

Pending application, if any, also stands dismissed.

Trial Court is requested to dispose of the case expeditiously, since the petitioner is in custody since 25.06.2019.

27.01.2023
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(GURBIR SINGH)
JUDGE

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