

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7726-2023
Reserved on: 28.08.2023
Pronounced on: 29.08.2023

Jaskaran Singh @ Machhi ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. N.S. Dandiwal, Advocate for the petitioner(s).

Mr. Shiva Khurmi, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
81	21.05.2021	Nihal Singh Wala, District Moga	325, 323, 34 IPC (Section 304 IPC added later on)

1. The petitioner, incarcerated upon his arrest in the FIR captioned above, has come up before this Court under Section 439 of Code of Criminal Procedure, 1973 (CrPC) seeking bail.
2. Counsel for the petitioner submits that this Court while rejecting his first bail application, granted permission to file a fresh after examination of eye witness, recovery witnesses other than the police officials. He further submits that there is only one witness of occurrence and his examination has already been recorded and copy of his statement is annexed at Annexure P-7 and prayed for bail.
3. Counsel for the State submits that petitioner is facing trial for the offence under 304 IPC and not under 302 IPC and the trial is at fag end. It is further submitted that out of 14 witnesses, 11 have already been examined and petitioner is not entitled to bail. While opposing the bail, the State further contends that as the trial is at an advanced stage, and any observation made by this court might impact its outcome.

REASONING:

4. The allegations against the petitioner are that in the quarrel for non-payment of money he inflicted blunt side of axe to deceased due to which he expired. The petitioner’s counsel submits that blow was without any pre-mediation and there was no

5. Although a perusal of the prosecution witnesses, whose statements have been annexed in the petition reflects that he fully supported the case of the prosecution. Petitioner is main accused in the case as per prosecution version. 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.

6. The trial is at an advance stage as 11 out of 14 witnesses have already been examined and any observation made by this court at this stage might prejudice the prosecution, complainant, or the accused.

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

8. 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.

The petition is dismissed. All pending applications, if any, stand closed. However, considering the petitioner's right to speedy trial coupled with the pre-trial incarceration, this court requests the concerned trial court to make all endeavours to conclude the trial by Nov 30, 2023, of which the prosecution evidence be completed by Oct 31, 2023, and the remaining time to provide an opportunity to the accused to lead defence evidence, if so desired, and to conclude its hearing, if there is no earlier direction to decide the case in a time bound manner. To meet the deadline, an endeavour be made to speed up the process for service and to pass the necessary directions in this regard. It is clarified that if expediting this trial disturbs the docket of the concerned court, then a balance be struck, and if, on this account, any delay happens, then an extension can be sought by mentioning such reasons. It is clarified that this order speeding up the trial is subject to the condition that neither the petitioner shall seek any adjournment nor try to use any tactics to delay the trial. If they do so, this order of expediting the trial shall stand automatically recalled by resorting to Section 362, read with Section 482 Code of Criminal Procedure, 1973, without any further reference to this court. If any of the accused is on bail and fail(s) to attend the trial without any sufficient cause, then they be dealt with strictly but in accordance with law. It is clarified that if the trial is not concluded by the date mentioned above, and if the delay is not attributable to the petitioner, then the petitioner may file an application for bail before the trial court, which shall decide it expeditiously and consider the bail on the grounds of pre-trial custody, and all the previous orders of dismissal passed by the trial court or High Court shall not come in the way.

(ANOOP CHITKARA)
JUDGE

29.08.2023

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Whether speaking/reasoned:

Yes

Whether reportable:

No.