

2023:PHHC:058202

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

CRM-M-12764-2023

Date of decision: 24.04.2023

Manni @ Prince @ Maniya

....Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR JUSTICE ANIL KSHETARPAL

Present:- Mr. Gagandeep Singh Simble, Advocate for the petitioner

Mr.Vishnav Gandhi, DAG, Punjab

ANIL KSHETARPAL, J (Oral)

1. The status report by way of an affidavit of the Under Secretary, Govt. of Punjab, Department of Home Affairs and Justice, on behalf of the respondent has been filed in the Court today, with a copy thereof to the learned counsel representing the petitioner.

2. On 13.04.2023, the following order was passed by this Court:-

“This is petitioner’s 4th attempt to get bail during the pendency of criminal case arising from FIR No.396, dated 04.11.2015, registered under Section 307, 383, 323, 148, 149 of IPC and Section 25 of the Arms Act, 1959, at Police Station A-Division, District Amritsar.

Three previous bail applications filed by the petitioner have been dismissed after noticing that the petitioner is a classified A category gangster who is involved in as many as 24 more criminal cases apart from the present one. He complains that he has already suffered

incarceration for a period of 5 years and 8 months.

On the other hand, it has been brought to the notice of the Court that out of 26 prosecution witnesses proposed to be examined, the depositions of 22 prosecution witnesses have already been recorded. The remaining witnesses are stated to be the Government officials.

It has been stated by the learned counsel representing the petitioner that today the trial Court had fixed the case for recording the depositions of three remaining witnesses who were summoned but have not appeared.

The next date of hearing is not known at present.

The Investigating Officer present is Court also has no clue about it.

On the one hand, the personal liberty of the accused is being compromised.

On the other hand, the Government officials who are summoned as witnesses are not appearing despite the issuance of bailable warrants against their names.

Keeping in view the aforesaid facts, the payment of salary of all the witnesses who are required to be examined as prosecution witnesses shall remain stayed till they appear in the Court.

The Home Secretary of the State as well as Director, Health Services, Punjab, are directed to examine the feasibility of proceedings against officers for failure to appear in the Court and file a report before the next date of hearing.

List on 24.04.2023.”

3. Learned counsel representing the petitioner admits that all prosecution witnesses have already been examined.
4. Keeping in view the fact that the trial of the case is at an advance stage, hence, it will not be appropriate to consider the petitioner's

request for grant of bail.

5. Dismissed.
6. All the pending miscellaneous applications, if any, are also disposed of.

24.04.2023
rekha
Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE