

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

CRM-M-24518-2021

Date of Decision: 04.12.2023

VARINDER KUMAR

...Petitioner

Vs.

STATE OF HARYANA AND ANOTHER

...Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. C.M. Munjal, Advocate for the petitioner.
Mr. Rahul Mohan, Senior DAG, Haryana.
Mr. Manoj Pundir, Advocate for respondent No.2.

MANJARI NEHRU KAUL, J. (Oral)

The petitioner is seeking cancellation of bail granted to respondent No.2 vide order dated 27.05.2021 in CRM-M-18747-2021 passed by the Coordinate Bench of this Court which has been annexed as Annexure P-3.

Learned counsel inter alia contends that it was a case resting on eye-witness account.

Learned counsel for the petitioner submits that despite there being prima facie enough evidence collected by the Investigating Agency after the commission of the crime in question, respondent No.2 had been extended the concession of regular bail. It has further been submitted that the respondent No.2 has been misusing the bail granted to him on 27.05.2021 by trying to pressurize the prosecution witnesses not to support the case of the prosecution. It has also been submitted that the trial is being unnecessarily prolonged by the defense and there is every likelihood that they could yet again in the interregnum misuse the liberty granted to them by pressurizing the remaining witnesses to turn turtle.

Learned counsel for the respondent No.2, has however, disputed the submissions made by the counsel opposite. He submits that had the respondent/accused misused the said concession by extending threats to the

complainant party, the latter would have atleast reported to the police, however, admittedly no complaint had been made till date. It has also been submitted that no unnecessary adjournments, as alleged by the counsel for the petitioner, have been taken by the defense before the trial Court and as many as 15 prosecution witnesses out of 32 already stands examined. He has submitted that in fact it is the complainant who has not been appearing before the trial Court for his cross-examination.

Learned State counsel on instructions has not disputed that 15 prosecution witnesses has been examined. He has, however, submitted that next date 20.02.2021 when some more prosecution witnesses are likely to be examined.

I have heard learned counsel for the parties.

The petitioner has failed to bring to the notice of this Court any misuse/breach of the conditions imposed upon the respondent No.2/accused after he was enlarged on bail by this Court vide order dated 27.05.2021. In the circumstances, this Court does not deem it fit to accept the prayer of the petitioner and cancel the concession of bail granted to him under Section 439(2) Cr.P.C. However, the trial Court is directed to expedite the trial and ensure that it is concluded within next 05 months.

However, it is made made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

The petition stands dismissed.

(MANJARI NEHRU KAUL)
(JUDGE)

04.12.2023

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