

CRM-M-34830-2023

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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Date of Decision: July 26, 2023

Deepak Singh @ Deepak @ DeepuPetitioner(s)

Vs.

State of HaryanaRespondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Lalit Singla, Advocate and
Ms. Varsha Sharma, Advocate for the petitioner(s).

Mr. Rajat Gautam, Additional Advocate General, Haryana

ANOOP CHITKARA J. (ORAL)

FIR No.	Dated	Police Station	Sections
361	19.06.2020	Assandh District Karnal	307 r/w 34 IPC and 25/54/59 of Arms Act (Section 216 and 120-B IPC were added during Investigation

1. The petitioner, incarcerated upon his arrest in the FIR captioned above, came up before this Court under Section 439 of Code of Criminal Procedure, 1973 (CrPC) seeking bail.
2. Counsel for the petitioner submits that the petitioner seeks bail on the ground of parity with the other co-accused, who have been granted bail by this Court vide order dated 05.09.2022 passed in CRM-M-15572-2022.
3. On the contrary, State counsel vehemently opposed the grant of bail to the petitioner on the ground that one of bullet which the petitioner had fired, hit the spine of the victim which would have life lasting illness effect. However, the

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petitioner allegedly fired 5-6 gun shots and the petitioner is not on same footing with the co-accused who has been granted bail, as such no case for bail is made out on the ground of parity.

4. The petitioner's counsel further submits that directions were issued to trial Court to conclude the trial by 31.05.2023 however, on the request of trial Court, time to conclude the trial was extended up 31.10.2023 and submits that at this stage, he would be contended and satisfied if a direction is given to the trial court to conclude the trial in a time-bound manner and further in case the trial is not completed by the given date, he be permitted to file a fresh bail petition on the grounds of delay in the trial, in addition to the merits of the case.

5. Given above, considering the petitioner's custody, this court requests the concerned trial court to make all endeavours to conclude the trial by Oct. 31, 2023, of which the prosecution evidence be completed by Sep. 30, 2023, and the remaining time to provide an opportunity to the accused to lead defence evidence, if so desired. It is clarified that this order expediting 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. However, if the trial is not completed by the date mentioned above, and the delay is not attributable to the petitioner, in that situation, it shall be permissible for the petitioner to file a bail petition in the month of November 2023 by taking an additional ground of delay in the trial, and such petition may be filed before the trial court or this court.

6. It is further clarified that in case any of the co-accused fails to appear before the concerned Court, trial Court shall consider to cancel their bail bonds in accordance with law. Moreover, if the prosecution is able to prove that the other

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co-accused deliberately do not appear and the petitioner is taking advantage of their non-appearance, this order shall be recalled automatically without any further reference to this court.

7. The petition is disposed of with the aforesaid liberty and observations. All pending applications, if any, stand closed.

(ANOOP CHITKARA)
JUDGE

July 26, 2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	No