

223 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34960-2023
Decided on : 21.09.2023

Manish Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Saurabh Arora, Advocate
Legal aid counsel for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.42 dated 28.02.2019 under Sections 308, 323, 458, 380, 511 and 34 IPC registered at Police Station City Dhuri, District Sangrur, Punjab.

2. Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the case in hand on the allegation that he inflicted an injury on the head of the complainant as a result of which he fell down and became unconscious. Learned counsel submits that though initially the injury had been opined to be simple in nature, however, later on it was declared grievous which raised a question mark about the truthfulness of the prosecution case. Learned counsel further submits that the petitioner has now been in custody for more than four years having been arrested on 07.03.2019, however, the trial has not yet concluded and furthermore, it is not likely to

conclude in the near future. Hence, he be extended the concession of bail as his further incarceration in the facts and circumstances would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by counsel opposite has submitted that the petitioner no doubt has been in custody since 07.03.2019, however, the factum of his involvement in other criminal cases has been withheld from this Court while filing the present petition. Learned State counsel, on instructions, has submitted that it is on account of the petitioner's involvement in other criminal cases, the trial has been delayed as he is being taken on production warrants to other Courts. It has been further submitted that the petitioner was identified by the complainant when he went to the complainant's house for stealing copper wire. On being identified and chased, the petitioner along with the co-accused caught hold of the complainant and inflicted a grievous injury on his head, as a result of which the complainant fell down and became unconscious. Learned State counsel on further instructions has apprised the Court that only six prosecution witnesses remain to be examined out of the 12 cited and the next date of hearing before the trial Court is 06.10.2023 when there is every likelihood of most the remaining prosecution witnesses being examined.

4. Heard learned counsel for the parties and perused the relevant material on record.

5. No doubt, the petitioner has been in custody for a considerable period of time, however, as apprised by the State counsel, it is a matter of record that the petitioner is involved in number of other criminal cases including cases

under the NDPS Act for which he is being taken on production warrants to different Courts. Thus, the delay in the conclusion of the trial is understandable and for reasons, but obvious. This Court, in the wake of his criminal antecedents, and the nature and seat of injuries inflicted on the complainant does not deem it fit to extend the concession of bail to the petitioner. Accordingly, the present petition stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

6. At this stage, a prayer has been made by learned counsel for the petitioner for issuance of directions to the trial court to conclude the trial expeditiously as the petitioner has been in custody since 07.03.2019.

7. Keeping in view the long period of incarceration of the petitioner, the trial court is directed to make earnest efforts to conclude the trial expeditiously preferably within a period of six months.

(MANJARI NEHRU KAUL)
JUDGE

21.09.2023
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No