

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40328-2023
Reserved on: 23.08.2023
Pronounced on: 31.08.2023

Savar @ Sabar Petitioner

Versus

State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Ms. Pinki Mehla, Advocate for the petitioner.

Mr. Manish Bansal, Sr. D.A.G, Haryana.

ANOOP CHITKARA, J. (ORAL)

FIR No.	Dated	Police Station	Sections
301	03.09.2022	Sadar Kaithal, District Kaithal	457, 342, IPC (171, 120-B, 395, 397 IPC added and 392, 394 IPC deleted later on)

1. The petitioner incarcerated in the FIR captioned above, has come up before this Court under Section 439 CrPC seeking bail.
2. The petitioner did not disclose the criminal antecedents. However, State counsel submits that the petitioner has involvement in eleven more cases.
3. As per the order passed by the Sessions Court rejecting the petitioner’s bail, one of the reasons was that five other cases are pending against him and in all there are similar type of allegations. It is not that the petitioner has committed this offence for the first time, he is a habitual offender and is continuously involved in snatching from helpless people. In the present case, the allegations are that he had entered into a Dera (a religious place) and looted mobile phones, money and other articles from the Saint (Priest). Regarding the argument that the petitioner is in custody since 17.09.2022, this Court would be directing the trial Court to expedite the trial.
4. 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 Dec 31, 2023, of which the prosecution evidence be completed by Oct 31, 2023, and latest by Nov 30, 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 other order regarding conclusion of trial as in earlier petition this Court directed to conclude the trial by 31.07.2023. 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

31.08.2023
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.