

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

CRM-M No.42346 of 2022

Date of decision: 13th January, 2023

Jaideep @ JD

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sandeep Gahlawat, Advocate for the petitioner.

Mr. Rahul Mohan, Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

This is third petition filed by the petitioner under Section 439 Cr.P.C. in case bearing FIR No.598 dated 08.11.2018 under Sections 148, 149, 307 IPC and Section 25 of the Arms Act, 1959 (Sections 148 & 149 IPC were deleted subsequently and Sections 120-B & 34 IPC were added during investigation) registered at Police Station Rohtak Sadar, District Rohtak.

Learned counsel for the petitioner submits that the petitioner has now been in custody since 27.02.2019 and the trial will take considerable time to conclude as only 2 out of 24 prosecution witnesses cited by the prosecution have been examined. He submits that similarly situated co-accused have since been extended the

concession of bail by a Coordinate Bench of this Court vide order dated 21.05.2019 (Annexure P-6).

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has drawn the attention of this Court to the allegations levelled in the FIR which has been annexed as Annexure P-1 and has submitted that not only was the petitioner specifically named in the FIR in question, but there are specific allegations levelled against him that he along with his co-accused indulged in indiscriminate firing from the firearms which were being carried by them at the time of occurrence. Learned State counsel further submits that as a result of the indiscriminate firing, the injured received multiple firearm injuries including one on the head which was declared to be dangerous to life inviting the mischief of Section 307 IPC. Learned State counsel, on instructions, still further submits that the petitioner cannot seek parity with the other accused as he is involved in another criminal case under Section 398 IPC which was registered prior in time to the FIR in question. He thus submits that the petitioner was on bail when the crime in question was committed by him. Learned State counsel has still further submitted that the delay in the conclusion of the trial has been on account of the fact that pursuant to an application under Section 319 Cr.P.C. moved by the prosecution having been allowed, whereby 03 co-accused have been summoned to face trial, a denovo trial has commenced. It has also been submitted

that the firearm used by the petitioner in the crime in question was not only recovered from him but even the empties, which were collected from the place of occurrence by the investigating agency, matched with the firearm used by the petitioner in the crime.

I have heard learned counsel for the parties and perused the relevant material on record.

Prima facie, there are serious and specific allegations levelled against the petitioner of having indulged in indiscriminate firing as a result of which the injured received multiple injuries including the one on the head which was declared to be dangerous to life. It would also be pertinent to point out that it is a matter of record that petitioner is already facing trial in another criminal case under Section 398 IPC and was on bail when the crime in question was committed. Hence, it is evident that he had misused the concession of bail granted to him in the other case FIR which already stood registered against him.

In the circumstances, this Court does not deem it fit to extend the concession of bail to the petitioner in the instant case. The petition as such stands dismissed. However, it is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

At this stage, learned counsel for the petitioner has made a prayer for issuance of directions to the trial Court to conclude the trial

expeditiously in view of the long incarceration of the petitioner who has now been in custody since 27.02.2019.

The trial Court shall make earnest efforts to conclude the trial expeditiously, preferably within a period of six months.

(MANJARI NEHRU KAUL)
JUDGE

January 13, 2023
rps

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