

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-43081-2023

Date of decision : 11.09.2023

Jai Parkash

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHLPresent: Ms.Aashna Gill, Advocate
for the petitioner.

Mr.Naveen Singh Panwar, DAG, Haryana.

VIKAS BAHL, J.(ORAL)

1. This is the third application under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.105 dated 11.03.2021 registered under Section 302 IPC at Police Station Pundri, District Kaithal.

2. Learned counsel for the petitioner has submitted that the second bail application of the petitioner was dismissed as withdrawn at that stage on 25.07.2022 with a direction to the trial Court to expedite the trial in the present case. It is submitted that even as of today, as many as 13 prosecution witnesses are yet to be examined and the petitioner has been in custody since 12.03.2021 (more than 2 years and 5 months) and has further submitted that on several dates, official witnesses did not appear in spite of issuance of bailable warrants against them and a chart regarding the same has been prepared at page 3 of the petition. It is stated that the petitioner would withdraw the present petition, at this stage but prays that the State as well as the trial Court be directed to expedite and conclude the evidence of the prosecution witnesses in a time bound manner.

3. Learned State counsel has submitted that all 13 prosecution

witnesses are official witnesses and State would ensure their presence before the trial Court and has submitted that the prosecution witnesses would be examined as expeditiously as possible, preferably within a period of three months from today.

4. Keeping in view the above said facts and circumstances, the present petition is dismissed as withdrawn with the following observations:-

- i) The State is directed to present the remaining witnesses on the next date or immediately thereafter and in case of non-appearance of said official witnesses, appropriate disciplinary action be taken against them.
- ii) The trial Court is directed to examine the said witnesses as expeditiously as possible, preferably within a period of three months from today by giving short dates.
- iii) The learned counsel appearing for the accused as well as State are also directed to assist the trial Court in the expeditious examination of the said witnesses.
- iv) In case the prosecution witnesses are not examined within a period of three months from today, it would be open to the petitioner to move a fresh application for regular bail.

(VIKAS BAHL)
JUDGE

September 11, 2023.
Davinder Kumar

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