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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44907-2023

Decided on: 22.09.2023

Ankit

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Salil Dev Singh Bali, Advocate
for the petitioner (through video conferencing).

Mr. Karunesh Kaushal, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
136	25.10.2021	Naya Gaon, District SAS Nagar, Punjab	452, 427, 323, 324, 148, 149 IPC (Challan presented under Sections 450, 427, 302, 323, 324, 201, 148, 149 IPC)

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, who is appearing through video conferencing, submits that despite directions given by this Court to expedite the trial vide order dated 08.05.2023 passed in CRM-M-11638-2023, complainant is intentionally delaying the trial by not appearing. He further submits that some of the material eyewitness have not supported the prosecution’s case and 15 witnesses are yet to be examined. It is also stated that petitioner is in custody approximately from the last two years.
3. Status report by the State has been handed over in the Court and the same is taken on record. State counsel submits that this Court cannot appreciate the evidence, even the absence of complainant is intentionally or not, cannot be judged before this Court.
4. Given above and in the entirety of facts and circumstances of the case that some material witnesses have not supported the prosecution version, petitioner is permitted

to file fresh application for bail before the trial Court and raise all these points in the said application. It is clarified that in case such application is filed, the trial Court shall decide the same within 15 days from filing of the application. It is further clarified that the trial Court shall not be influenced by any observation made in the previous bail orders of rejection passed either by this Court or by the Sessions Court.

5. **Petition is disposed of with the aforesaid observations.** All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

22.09.2023
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Whether speaking/reasoned: Yes
Whether reportable: No.