

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

213-A

CRM-M-51116-2022

Date of Decision: February 16, 2023

Kapil @ Nini

.....Petitioner(s)

Vs.

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Randeep S. Dhull, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana

ANOOP CHITKARA J. (ORAL)

1. The present petition has been filed seeking regular bail to the petitioner in case FIR No.186 dated 20.06.2020 under Section 302 120-B, 34 IPC and section 25 of the Arms Act, registered at Police Station Civil Lines Bhiwani.
2. Counsel for the petitioner submits that initially the petitioner was not named in the FIR. However, later on he was named in statement u/s 161 Cr.P.C. but again in trial he was not identified. Furthermore, the evidence in CCTV footage is also not true.
3. Given the submission of the counsel for the petitioner, in case, this Court consider this evidence, it shall have bearing on trial, which is pending.
4. At this stage, counsel for the petitioner seeks permission to withdraw the present petition with liberty to file fresh bail application before the trial Court. In case, such application is filed, trial Court shall decide the same within four weeks at its own merits by considering deposition of witnesses without being influenced by the previous rejection by trial Court or by this Court.

5. Given above, the present petition is disposed of with liberty to petitioner to file fresh application for bail before the trial Court and trial Court shall decide the same within four weeks at its own merits by considering deposition of witnesses without being influenced by the previous rejection by trial Court or by this Court. It is further clarified that the trial Court shall try to complete the trial on top priority and shall try to complete it by 31.05.2023, as the petitioner is in custody for the last three years. It is further clarified that the petitioner shall not seek any adjournment before the trial Court, in case he does so, this order stands recalled under Section 362 Cr.P.C. without any further reference to this Court.

(ANOOP CHITKARA)
JUDGE

February 16, 2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	No