

CRM-M-55140-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55140-2023
Reserved on: 28.11.2023
Pronounced on: 08.12.2023

Surender ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Joginder Siwach, Advocate for the petitioner.

Mr. Rajat Gautam, Addl. AG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
145	01.05.2021	Sadar Narnaul, District Mahendergarh	302, 379-B, 216, 120-B, 34 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. As per para 32 of the petition, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offences	Police Station
1	81	03.02.2023	160 IPC and 45 of Prisons Act	City Narnaul, Mahendragarh
2	82	03.02.2023	147, 149, 323 & 506 IPC	City Narnaul, Mahendragarh

3. Petitioner’s contention is that the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
4. State opposes the bail and submits that given the allegations, petitioner is not entitled for bail.

REASONING:

5. Facts of the case are being extracted from reply dated 21.11.2023 filed by the

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concerned Assistant Superintendent of Police. Prosecution's case is that on 29.04.2021, police got a telephonic information about admission of one Rampal son of Sardar Singh, in CHC, Ateli, on account of receiving injuries in a scuffle. The police officials on reaching there, obtained MLR of injured and doctor referred him at Government Hospital, Narnaul. Thereafter, police official reached at Government Hospital, Narnaul and asked the doctor for recording the statement of injured-Rampal, however doctor opined that patient is not fit for making statement and on the same day at 9.45 pm, he succumbed to the injuries. After that the police recorded statement of Manjit S/o Rampal and he informed the police that on 28.04.2021, some persons had beaten his father in the liquor vend on the turn of Village Tigra. Manjit further stated that he along with his elder Uncle Birender, brother-Ravinder and Bhim, reached at the spot where his father had told that Abhay Singh, Pintu, Surender s/o Abhay Singh (present petitioner) and Deepla along with four persons, had beaten him. As per post-mortem report, five injuries were found on the body, out of which two were simple in nature and remaining caused by blunt weapon. After that police started the investigation and arrested the accused. The investigation revealed that petitioner's father had called all of them to teach Rampal a lesson and after that they had hit him with dandas. In para 9 of the reply, it is mentioned that trial is going on and out of 35 witnesses, 6 have already been examined.

6. I have heard counsel for the parties and gone through the bail petition as well as the reply filed by the State and analysis of the same would lead to the following outcome.

7. It has come in evidence that after Rampal was beaten up and his son along with brother reached at the spot, where Rampal had disclosed the names of assailants to the accused persons. It has also come in evidence that cause of death was injuries which were inflicted on the person and no other reason. It also came in evidence that three injuries were caused with blunt weapon and the police had recovered dandas. Father of petitioner wanted the deceased to teach lesson and on this ground petitioner and his accomplices given him beatings.

8. Considering the fact that charges have been framed under 302 IPC and the petitioner's custody is only 02 years & 04 months, whereas the minimum sentence prescribed under 302 IPC is life, as such, it is not a case for bail at this stage. As per the petition and custody certificate, two more cases are pending against the petitioner, however considering the nature of offence in the said cases, criminal history is not being considered as a factor. Any further discussions are likely to prejudice the petitioner; this

court refrains from doing so.

9. 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 within six months, of which the prosecution evidence be completed preferably within five months and the remaining time to provide an opportunity to the accused to lead defence evidence, if so desired, and to conclude its hearing. 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 fails to attend the trial without any sufficient cause, then they be dealt with strictly but in accordance with the 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

08.12.2023
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Whether speaking/reasoned: Yes
Whether reportable: No.