

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

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**CRM-M-59047-2022
Date of decision: 24.01.2023**

Varun @ Vishu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Prateek Rathee, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is the third petition filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.024 dated 07.02.2015 lodged under Sections 307, 201 and 34 of the IPC and Sections 25, 54 and 59 of the Arms Act, 1959 registered at Police Station Lalru, District SAS Nagar, Mohali.

Learned counsel for the petitioner submits that subsequent to the dismissal of the previous petition on 09.05.2022, the trial has still not concluded and hence on this ground itself the petitioner deserves the concession of bail. He submits that it is the right of every accused to get speedy justice. He also submits that out of the 27 witnesses cited 05 remain to be examined.

Per contra, learned State counsel has vehemently opposed the prayer and submissions made by the counsel appearing for the petitioner. He, on instructions from ASI Sulakhan Singh, submits that the petitioner is a history-sheeter and is involved in a number of

criminal cases and hence, he does not deserve the concession of bail. Learned State counsel has disputed the submissions made by the counsel opposite that the prosecution evidence is still underway. He on further instructions has submitted that in fact the prosecution evidence has concluded and in the circumstances, the trial shall not take much time to conclude. It has also been submitted that no doubt the petitioner is in custody since 31.08.2016, however, the delay in conclusion of the trial has been on account of the pendency of other criminal cases which the petitioner is facing and for which the petitioner has been going to various Courts on production warrants. Learned State counsel has further submitted that there are serious allegations levelled against the petitioner of having fired from a fire arm, which he was carrying at the time of alleged occurrence, on the person of the injured and injury attributed to him was opined to be dangerous to life by the doctor.

Learned counsel for the petitioner has, however, controverted the submissions made by the learned State counsel that the prosecution evidence has concluded. He submits that the prosecution evidence is still underway.

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

Prima facie there are serious allegations levelled against the petitioner of having fired at the injured with a firm arm. The petitioner is involved in a number of criminal cases as well. Hence, in the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend concession of bail to the petitioner.

Accordingly, the instant petition is dismissed.

However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

24.01.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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