

CRM-M-59380-2022

--1--

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

CRM-M-59380-2022
Date of Decision: July 12, 2023

Sunil Kumar

.....Petitioner(s)

Vs.

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Kuldeep Singh Siwach, Advocate for the petitioner(s).

Mr. Manish Bansal, Sr. DAG, Haryana

ANOOP CHITKARA J. (ORAL)

The present second petition has been filed by the petitioner seeking regular bail in case FIR No.539 dated 29.10.2019, under Sections 148, 149, 307, 323, 324, 341, 506 IPC and Section 302 IPC added later on, registered at Police Station City Fatehabad, District Fatehabad.

2. Counsel for the petitioner prayed for bail on the ground of prolonged incarceration as he is behind the bars since 02.11.2019.

3. State counsel opposes the present second petition for grant of regular bail as the earlier bail petition was dismissed vide order dated 05.05.2022 passed by this Court in CRM-M-39667-2021 and there are no changed circumstances as such in the entirety of facts and circumstances of the case, the petition is liable to be dismissed.

4. Faced with this, counsel for the petitioner submits that at this stage, he would be contended and satisfied if a direction is given to the trial court to conclude the trial in a time-bound manner and further in case the trial is not

CRM-M-59380-2022

--2--

completed by the given date, he be permitted to file a fresh bail petition on the grounds of delay in the trial, in addition to the merits of the case

5. Given above, the concerned trial court to make all endeavours to conclude the trial by 30.11.2023, of which the prosecution evidence be completed by 31.10.2023, and the remaining time to provide an opportunity to the accused to lead defence evidence, if so desired. It is clarified that this order expediting 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 he 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. However, if the trial is not completed by the date mentioned above, and the delay is not attributable to the petitioner, in that situation, it shall be permissible for the petitioner to file a bail petition by taking an additional ground of delay in the trial, and such petition may be filed before the trial court or this court.

6. It is clarified that if any of the other accused try to delay the trial by not appearing or by filing unnecessary application for exemption etc, the trial Court shall be dealt with them strictly in accordance with law.

7. Petition stands disposed of with aforesaid observations. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

July 12, 2023
sonia arora

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