



206 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH

CRM-M-10880-2024
DECIDED ON: 17.05.2024

SANTOKH SINGH ALIAS BALKAR SINGH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Nirmal Singh, Advocate
for the appellant.

Mr. Chetan Sharma, DAG, Haryana.

Mr. Rajinder S. Rana, Advocate for the complainant.

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SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C. for grant of regular bail in FIR No. 739 dated 02.10.2020 under Sections 148/149/186/307/302/323/332/341/353/427/506 IPC registered at P.S. Thanesar City, District Kurukshetra.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case wherein no specific role has been attributed to him and no recovery whatsoever has been effected from the possession of the petitioner. He further submits that petitioner is the only bread winner of his family and is having five daughters to look after therefore, sympathetic view be kindly taken and the petitioner be let out on regular bail. He would further submits that investigation in the present case is complete, challan presented,



charges framed, therefore, custodial interrogation of the petitioner is not required any more as nothing is to be recovered from him.

3. Notice of motion.

4. On the other hand, learned State Counsel appearing on advance notice accepts the same and produced the custody certificate, the same is taken on record. According to which, the petitioner has undergone custody for a period of 3 years, 3 months and 5 days and is involved in two more cases, meaning thereby, he is a habitual offender. He further points out to an earlier order dated 20.07.2023 passed in CRM-M-84599-2022 (Annexure P-6) qua the petitioner wherein the bail was declined by a Co-ordinate Bench of this Court categorically on merits with the observation that the petitioner may file a fresh one before the learned Court below only after the complainant as well as other three eye witnesses stands examined. Since three eye witnesses have not been examined so far, no cause of action arise in favour of the petitioner, therefore, prays for dismissal of the petition.

5. Heard.

6. In view of the contention raised by learned State Counsel, this Court is of the view that the petitioner has again approached the Court without adhering to the earlier observations made by the Co-ordinate Bench vide order dated 20.07.2023, therefore, the present petition deserves to be dismissed, on this ground alone without adverting to its merits.

7. However, this Court cannot shut its eyes to the fact that after the passing of the order dated 20.07.2023, it has been one year that till date complainant as well as other three eye witnesses have not been examined so far which is against the principle of right to speedy trial enshrined under Article 21



of the Constitution of India. Thus, the Trial Court is directed to make a fair endeavour to examine the complainant as well as other three eye witnesses favorably within a period of three months from the date of receipt of certified copy of this order.

8. Petition stands dismissed with aforesaid observations.

17.05.2024
anuradha

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>