

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

**Neutral Citation No. 2024:PHHC:050854
CRM-M-16865-2024
Date of Decision: April 16, 2024**

Binder Bharti @ Vinderb

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Ravi Malhotra, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

By way of this petition filed under Section 439 Cr.P.C., prayer is made for grant of regular bail in case FIR No.366 dated 04.12.2014, under Sections 307, 506, 148, 149 of IPC (Section 302 IPC added later on), registered at Police Station Focal Point Ludhiana, District Ludhiana.

2. Learned counsel for the petitioner contends that statement of the accused under Section 313 Cr.P.C. was recorded way back on 25.05.2021, after the conclusion of the evidence of the prosecution. Learned counsel contends that ever since 07.06.2021, the matter is being adjourned for defence evidence, though petitioner does not want to produce any evidence in defence.

3. On specific query, it is informed by learned counsel for the petitioner that there are as many as 07 accused and as far as the instructions available with him, not only the petitioner, even the other accused do not want to lead any evidence in defence.

4. Notice of motion.

5. Mr. Baljinder Singh, DAG, Punjab accepts notice on behalf of the respondent-State.

6. As per the custody certificate, petitioner is in custody for the last 09 years, 04 months and 07 days.
7. Having regard to the fact that case has already reached at the stage of defence evidence, this petition is hereby disposed of with a direction to the Trial Court to conclude the trial within 03 months positively from the next date of hearing fixed before thereat. The Trial Court shall specifically record the statements of all the accused including the present petitioner as to whether they want to produce any evidence in defence or not. In case, any of the accused including the petitioner wants to lead any evidence in defence, only the short dates will be given, but trial must be concluded withing 03 months positively, having regard to the long incarceration of the petitioner, which is more than 09 years.

Disposed of.

April 16, 2024
sarita

(DEEPAK GUPTA)
JUDGE

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