



CRM-M-29560-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(220)

CRM-M-29560-2024
Date of Decision : 04.11.2024

Jagdish Singh Visht ...Petitioner
Versus
State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. J.P. Jangu, Advocate for the petitioner.
Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, filed under Section 439 Cr.P.C., the petitioner prays for grant of regular bail in case FIR No.751 dated 16.10.2018 under Section 306 of the IPC, 1860 (Sections 302, 201 read with Section 34 and 120-B of the IPC, 1860, added later on), registered at Police Station DLF, District Gurugram, Haryana (Annexure P-1).
2. Learned State counsel has filed the reply dated 06.09.2024, by way of an affidavit of Mr. Virender Singh, HPS, Assistant Commissioner of Police, East, Gurugram, on behalf of the respondent-State of Haryana, furnished by learned State counsel today in the Court, along with custody certificate dated 02.11.2024, qua the petitioner. The same are taken on record. Copy thereof, supplied to learned counsel for the petitioner.
3. On asking for the relief of regular bail, learned counsel for the petitioner has placed reliance upon the custody period undergone by the petitioner, i.e. about 06 years, in the instant FIR. He further submits that the prosecution has not yet been able to complete the evidence, and therefore, without going into the gravity of the offence, and solely on the ground, that

there is an inordinate delay in concluding the trial, the petitioner deserves the relief of regular bail.

4. This Court has considered the submissions made by the learned counsel for the petitioner and has also perused the allegations levelled against the petitioner.

5. Learned State counsel, on instructions imparted to him from the quarter concerned submits that out of total 42 witnesses, as cited by the prosecution, 38 witnesses have already been examined, and the next date before the learned trial Court concerned is 21.11.2024, and only four prosecution witnesses are left to be examined.

6. Considering the gravity of the offence, that the deceased was cut into pieces, this Court is not inclined to grant the asked for relief to the petitioner. Accordingly, the instant petition is **disposed of**. However, a mandamus is passed upon the learned trial Court concerned, to make all efforts to record the statement of remaining four prosecution witnesses, within two months from today. The Superintendent of Police, concerned, shall also ensure the presence of all the four remaining prosecution witnesses, as and when called upon by the learned trial Court, concerned.

7. However, anything observed hereinabove shall have no effect on the merits of the case and is meant for deciding the present petition only.

8. Copy of this order, be forthwith sent to the learned trial Court concerned, as well as to the Superintendent of Police, concerned, for its compliance.

(KULDEEP TIWARI)
JUDGE

November 04, 2024
Manpreet