



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

207

CRM-M-48912-2022

Date of Decision : **November 19, 2024**

JAGPAL SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : None for the petitioner.
 Mr. Sahil R. Bakshi, AAG, Punjab.
 Mr. S.S.Sarwana, Advocate for respondent No.2.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition filed under Section 439(2) of Cr.P.C., prayer is made for cancellation of bail to accused-Baljinder Singh in case FIR No.106 dated 4.7.2020, under Sections 166A, 295A, 323, 342 of IPC under Sections 3(1)(iv), 3(1)(v), 4 of the Schedule Castes and Scheduled Tribes (Prevention of Atrocities) Act of 1989, under Section 67 of the Punjab Police Act, 2007 and under Section 66E, 67(A) of the Information and Technology Act, 2000, registered at Police Station City-Khanna, District Ludhiana.

2. The main reason for seeking the relief (supra) is that respondent No.2-accused, who happens to be a Police Officer has been threatening and pressurizing the petitioner and other witnesses not to depose against him in the Court and further-more is not cooperating with the investigating agency, as he is not ready to provide his voice sample, which would be crucial, as well

as and essential for the proper adjudication of the criminal case registered against him.

3. Upon notice, short reply was filed by the State of Punjab.

4. A co-ordinate Bench of this Court while drawing an order dated 9.8.2023, had directed the learned trial Court concerned to conclude the trial within 6 months from the next date fixed before it. Thereupon, again on the request of the learned trial Court concerned, further time of 6 months' was granted to conclude the trial vide order dated 15.2.2024 and vide order dated 29.8.2024, further time of 4 months' was granted to the learned trial Court concerned for making compliance to the directions issued by this Court vide order dated 9.8.2023.

5. On dated 9.9.2024, it was informed by the learned counsel for respondent No.2 that the present petitioner, who is a complainant is not appearing before the learned trial Court concerned despite issuance of bailable warrants against him. On the said date, the following order was passed by this Court:-

“A co-ordinate bench of this Court vide order dated 29.08.2024, had granted four months more time to the learned trial court concerned, to comply with the order dated 09.08.2023.

Learned counsel for respondent no.2, has produced a photocopy of the order dated 05.09.2024, passed by the learned trial court concerned, and submits that it is the petitioner/complainant, who is not causing appearance for his examination, despite issuance of bailable warrants, and furthermore, now non-bailable warrants have also been issued to procure the complainant's presence for 12.09.2024.

Today, a written request for an adjournment has been circulated by the learned counsel for the petitioner/complainant, on the ground that he is out of station.

Purely in the interest of justice, asked for request is allowed.

Adjourned to 19.11.2024.”

6. Today, also the learned State counsel informs this Court that the petitioner/complainant has caused appearance before the learned trial Court concerned and he has been partly examined on dated 7.11.2024 and the matter was adjourned for dated 14.11.2024 but the petitioner opted not to cause appearance again.

7. Today, as well, the position remains the same, as no one has caused appearance on behalf of the petitioner, and a written request for an adjournment has been circulated by the learned counsel for the petitioner.

8. In view of the above facts and circumstances, it reflects that the instant petition is purely an abuse of the process of law, therefore, the instant petition is **dismissed**.

9. Earlier directions issued by this Court are modified to the extent that the learned trial Court concerned shall make all its endeavor to conclude the trial most expeditiously.

November 19, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No