

(2023) 03 P&H CK 0071

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 26370 Of 2020 (O&M)

Anil @ Teena

APPELLANT

Vs

State Of Haryana

RESPONDENT

Date of Decision : 22-03-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 362, 439

Citation : (2023) 03 P&H CK 0071

Hon'ble Judges : Anoop Chitkara, J

Bench : Single Bench

Advocate : Rakesh Nehra, Reetesh Kumar, Atul Ravish, Manish Bansal

Final Decision : Dismissed

Judgement

Anoop Chitkara, J

FIR No.

Dated

Police Station

Police Station

42

22.02.2019

Lakhan Majra, District Rohtak

302, 120-B IPC and Section 25 Arms Act

1. The petitioner, incarcerated upon his arrest in the FIR captioned above, came up before this Court under Section 439 of Code of Criminal Procedure, 1973 (CrPC) seeking bail.

2. In paragraph 11 of the bail petition, the accused declares that he has no

criminal antecedents.

3. Petitioner's contention is that the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.

4. State opposes the bail.

REASONING:

5. On February 22, 2019, deceased's brother informed the police that his brother Naresh had been shot dead. The investigation led to various arrests, including the deceased's wife. Later on, based on the disclosure statement of co-accused Jagbir, the investigator arrested the petitioner. During interrogation, the police found the petitioner's involvement as the person who had fired the fatal shot and the police got it corroborated through the report of FSL. The prima facie evidence collected by the police against the petitioner was that he shot the deceased dead. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for bail. Any further discussions are likely to prejudice the petitioner; this court refrains from doing so.

6. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

Petition dismissed in terms mentioned above. However, considering the petitioner's custody, the ends of justice will meet by expediting the trial. This court requests the concerned trial court to take up this trial on priority and endeavor to conclude it by May 31, 2023. The expediting of the trial is subject to the condition that the petitioner shall not seek any adjournment, and if he does so, this order expediting the trial shall stand recalled automatically under section 362, read with 482 CrPC, without any further reference to this court. All pending applications, if any, stand disposed of.