

(1994) 01 DEL CK 0009

In the Delhi High Court

Case No : Criminal Miscellaneous Appeal No. 3349 of 1993 and Criminal Miscellaneous (Main) Appeal No. 2069 of 1993

Inderpal Singh

APPELLANT

Vs

State (Delhi Administration)

RESPONDENT

Date of Decision : 28-01-1994

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 439

Citation : (1994) 53 DLT 459

Hon'ble Judges : V.B. Bansal, J

Bench : Single Bench

Advocate : J. Sethi and Sima Gulati, for the Appellant;

Judgement

V.B. Bansal, J.

(1) Petitioner has been facing trial in this case and the recording of the evidence of the prosecution started in the year 1988. There is only one eye witness of this occurrence, viz. Shri Pritpal Singh, who has not been produced by the prosecution so far. Vide order dated 28.10.1993 this Court directed the prosecution to produce this witness on the next date of hearing, failing which the petitioner would be entitled to bail for which purpose he would move an application before the Additional Sessions Judge. The prosecution failed to produce this witness. The case came up for hearing in this Court on 10.1.1994 and the learned Counsel for the respondent submitted that the State would ensure that the witness is produced in the Court on 14.1.1994 for which the case is listed before the Trial Court. Learned Counsel for the petitioner submits that in spite of this submission by the learned Counsel for the respondent the witness has not been produced. A prayer has, Therefore, been made for the release of the petitioner on bail.

(2) Learned Counsel for the respondent submits that as per the information given to her the witness could not be produced on account of his illness but no medical certificate was produced. The prosecution, it appears, has taken it lightly

and no sincere efforts have been made to comply with this order. It appears that even the S.H.O. failed to take adequate steps to comply with the order.

(3) Keeping in view all the facts, I am clearly of the view that the petitioner has earned the grant of bail. In these circumstances, I order for the release of the petitioner on bail subject to his furnishing personal bond in the sum of Rs.25,000.00 with one surety in the like amount to the satisfaction of the Trial Court.