

Krishan Lal Vs. State of Rajasthan

Krishan Lal Vs. State of Rajasthan

SooperKanoon Citation : sooperkanoon.com/762909

Court : Rajasthan

Decided On : Aug-09-1989

Reported in : 1989WLN(UC)135

Judge : G.K. Sharma, J.

Appeal No. : S.B. Cr. Misc. Bail Application No. 1247 of 1989

Appellant : Krishan Lal

Respondent : State of Rajasthan

Disposition : Application allowed

Judgement :

G.K. Sharma, J.

1. Bhagwanram lodged a report at P.S. Pillai Banga, against & persons and a case was registered under Section 302/120B, IPC. After completing investigation, the Police submitted a challan against petitioner Kishan Lal, as against Shivraj, Hetram and Lal, the Police submitted final report, and Vishnu, Prithvi, Gopiram and Banwari were not challaned. The challan proceeded against Kishanlal, who was arrested on 9th July, 1987 The prosecution examined 4 witnesses upto 16th Dec. 1988. Thereafter on 5th April, 1989, the Police submitted a challan against Vishnu, Prithvi, Gopiram & Banwari. These persons were brought to the court and

their challan was linked with the file of Kishanlal. The 4 witnesses who were examined prior to filing of the second challan are required to be resummoned, because the trial of the second case was consolidated with the first one; and both the cases are to be disposed of together. It means that re examination of the four witnesses would take some more time. No doubt, after filing of the second challan, 2 witnesses have been examined but, re-examination of first 4 witnesses would take some time. It is not fair for the Police to keep pending the investigation for a long time, and it did not decide whether challan has to be submitted, the case proceeded, and even upto the examination of 4 witnesses, the Police did not think it proper to file the second challan. In this way, accused Krishanlal has been unnecessarily harassed by the Police for not taking occasion in filing of challan early. Though nothing is to be reflected on the merits of the case, but, the case is of a single blow. The opinion is given in such matters. But, in view of the circumstances which have delayed the process in this case, the second challan having been submitted later on, I feel it justified to accept the bail-application of the petitioner.

2. The bail-application is, therefore, granted and it is hereby ordered that petitioner Krishan Lal be released on bail on his furnishing a personal bond in the sum of Rs. 5,000/-with one surety in the like amount to the satisfaction of the Addl. Sessions Judge No. 2 Hanumangarh, for his appearance before the trial court as and when called upon to do so, during the pendency of the trial against him.