

Lekhraj Singh Vs. State

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Court : Rajasthan Jodhpur

Decided On : Feb-12-2013

Appellant : Lekhraj Singh

Respondent : State

Judgement :

S.B. CRL. MISC. 4th BAIL APPLN. NO. 323/2013. Lekh Raj Singh Vs. State of Rajasthan // 1 // 17 S.B. CRL. MISC. 4th BAIL APPLN. NO. 323/2013. Lekh Raj Singh Vs. State of Rajasthan .. Date of Order ::

12. h February 2013. HONBLE MR. JUSTICE DINESH MAHESHWARI Mr. Mahaveer Bishnoi, for the applicant. Mr. O.P. Singaria, Public Prosecutor. <<>> BY THE COURT: The submissions of the learned counsel for the petitioner that the trial is likely to take a long time and co-accused has been enlarged on bail might have been of consideration in the matter but then, it is noticed that the petitioner has been found involved in yet another case under Section 8/18 of the N.D.P.S. Act as registered at Police Station Arai, District Ajmer. The learned counsel for the petitioner on the earlier occasion sought time to complete his instructions in regard to the said other case. Today, the learned counsel for the petitioner submits that the said other case has, of course, been registered against the petitioner that remains pending before the Court at Ajmer. The learned counsel for the petitioner, however, attempted to argue that the conduct of the co-accused Ashok (Bail Application No. 4044/2012), has also not been unblemished inasmuch as he was earlier absconding. S.B. CRL. MISC. 4th BAIL APPLN. NO. 323/2013.

Lekh Raj Singh Vs. State of Rajasthan // 2 // It is noticed that, of course, the trial had got delayed and the bail plea as made on behalf of the co-accused Ashok was considered and was granted on 18.09.2012, essentially for the delay in trial but then, on being asked if he was also involved in multiple cases concerning N.D.P.S. Act, the learned counsel for the petitioner expressed want of instructions in that regard. When a particular fact has come before the Court that the petitioner has been found involved in more than one case concerning N.D.P.S. Act, only for the delay in trial or even for grant of indulgence to the co-accused, so far the present petitioner is concerned, this Court does not feel persuaded to grant him indulgence in this repeat bail plea. Leaving aside any other aspect of the matter, it is but apparent that the other one had been the case earlier registered against the petitioner in the year 2004 and if thereafter, he is found involved in yet another case (the present one) concerning N.D.P.S. Act, this Court finds not even a wee bit of reason to consider granting indulgence to him. However, looking to the facts and circumstances of the case, it is considered appropriate and hence is made clear that the observations herein are relevant only for the purpose of the bail plea of the petitioner; and else, the learned Trial Court would be expected to consider the matter on its own merits and in that regard, it shall also be expected of the learned Trial Court to proceed with utmost expedition, as already ordered, while S.B. CRL. MISC. 4th BAIL APPLN. NO. 323/2013. Lekh Raj Singh Vs. State of Rajasthan // 3 // assigning a specific priority to the case and curbing against any unnecessary delay; and for that matter, it shall be expected of the learned Trial Court to take all necessary steps for procuring the presence of the witnesses and at the same time, it shall be expected of the prosecution to produce all its witnesses and to conclude the evidence without further delay. With the observations foregoing, this 4th bail application under Section 439 Cr.P.C. moved on behalf of the petitioner Lekhraj Singh son of Gopal Singh stands rejected at this stage. (DINESH MAHESHWARI), J.

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