

217

CRM-M-18120-2025 (O&M)

Rohit vs. State of Haryana

Present : Mr. Vipin Pal Yadav, Advocate with
Mr. J.S. Sohal, Advocate for the petitioner.
Mr. Gurmeet Singh, AAG Haryana.
Mr. Sanjeev Kumar Birla, Advocate for the complainant.

1. The present petition has been filed under Section 483 of the BNSS, 2023 by the accused – Rohit for the grant of regular bail in case FIR No.142 dated 10.05.2024 registered under Sections 148, 149, 302, 323, 452, 506, 427 and 120-B of IPC at Police Station Sadar Jhajjar, District Jhajjar, Haryana.

2. During the course of hearing of the instant petition on 16.07.2025, it was brought to the notice of this Court that one prosecution witness i.e. PW-Vinod Kumar (FIR - complainant/eye-witness) was partly cross-examined on 08.07.2025 and his remaining cross-examination was deferred to 22.09.2025. The learned trial Court was, thus, directed to send the report detailing therein the status and progress of the trial.

3. In pursuance thereto, a report dated 01.08.2025 has been received from the learned trial Court, relevant whereof reads thus:

“3. On dated 08.07.2025, one witness namely Vinod Kumar, who is complainant of the case, was present and his examination in chief was concluded on that day. However, his cross-examination was partly conducted as the Court time was over and the trial has now been adjourned to 22.09.2025 for further cross-examination of this witness as well as presence and examination of witness depicted at Sr. No.2 to 4, who are also ordered to be summoned.

4. It is further humbly submitted that there are nine accused persons in that case, who have been represented by different Advocates and each of the Advocate has desired to cross-examine separately the prosecution witness namely Vinod Kumar (complainant). Therefore, due to this reason also the testimony of complainant could not be concluded in one date. This is for your kind information.”

4. Today, a request has been made by the learned counsel for the petitioner that the hearing of the instant bail petition be deferred to a date beyond 22.09.2025 i.e. the day when further cross-examination of the prime prosecution witness namely PW-Vinod Kumar is likely to be recorded before the learned trial Court.

5. In the interest of justice, the hearing of the instant petition is deferred to 29.09.2025 reserving liberty in favour of the rival parties to place on record the complete testimony of the star prosecution witness namely PW-Vinod Kumar.

6. Before parting with this order, it becomes imperative to advert to a significant—indeed, disquieting—aspect of the matter.

6.1. A perusal of the order dated 16.07.2025 earlier passed by this Court and the report dated 01.08.2025 sent by the learned trial Court to this Court, indubitably, reflects that further cross-examination of the prime prosecution witness namely PW-Vinod Kumar (FIR-complainant/eye-witness) was deferred to 22.09.2025 i.e. for a period of about seven weeks.

6.2. It would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court titled as ***Vinod Kumar vs. State of Punjab (2015) 3 SCC 220 : 2014 INSC 670***, relevant whereof reads as under:

“51. It is necessary, though painful, to note that PW 7 was examined-in-chief on 30-9-1999 and was cross-examined on 25-5-2001, almost after 1 year and 8 months. The delay in said cross-examination, as we have stated earlier had given enough time for prevarication due to many a reason. A fair trial is to be fair both to the defence and the prosecution as well as to the victim. An offence registered under the Prevention of Corruption Act is to be tried with all seriousness. We fail to appreciate how the learned trial judge could exhibit such laxity in granting so much time for cross-examination in a case of this nature. It would have been absolutely appropriate on the part of the learned trial Judge to finish the cross-examination on the day the said witness was examined. As is evident, for no reason whatsoever it was deferred and the cross-examination took place after 20 months.”

The ratio decidendi of this judgment (Vinod Kumar's case) has been reiterated by the Hon'ble Supreme Court in a case titled as *Selvamani vs. The State Rep. by the Inspector of Police : 2024 INSC 393*.

The way trial proceedings are being carried out appears to be in derogation of the principles of fair trial including the dicta of the judgments of the Hon'ble Supreme Court in *Vinod Kumar* (supra) and *Selvamani* (supra).

7. Before delving further into this aspect of the matter, it is deemed appropriate that an explanation be sought from the concerned trial Judge and same be put up before this Court on the administrative side.

8. Registrar General of this Court is directed to do the needful accordingly.

(SUMEET GOEL)
JUDGE

August 11, 2025
Ajay