

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-16474-2015 (O&M)
Date of decision : 26.05.2015

Sukhpal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Ramneek Vasudeva, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab,
assisted by H.C. Ram Kumar.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking regular bail in case FIR No.14 dated 22.02.2012, registered under Sections 304, 34 of the Indian Penal Code (for short, 'the IPC'), at Police Station Kiratpur Sahib, District Ropar.

The learned counsel for the petitioner contends that no case under Section 304/34 IPC is made out against the petitioner. At the most, it is a case of Section 304A IPC. The petitioner is in custody since 18.04.2014. The learned counsel further submits that the petitioner, under a mistaken belief, could not cause appearance before

the trial Court on 21.10.2013 and was declared a proclaimed offender. However, the petitioner surrendered on 18.04.2014, after he came to know about the order passed by the competent Court. It is further contended that out of fourteen witnesses cited by the prosecution, none has so far been examined. The petitioner is not the owner of the fields wherein the incident took place.

On the other hand, the learned State counsel, on instructions, submits that the fields where the deceased was electrocuted, were being looked after by the petitioner, thus, a clear case under Section 304/34 IPC is made out. The land is owned by the sister of the petitioner and the petitioner was in effective possession and control of the land.

Heard.

Though, in a matter, where the petitioner has evaded the process of the Court and consequently declared proclaimed offender, no leniency should be shown, but in the instant case, the petitioner voluntarily surrendered before the Court. Out of fourteen witnesses, as stated by the learned State counsel, only one has so far been examined. Thus, it can safely be inferred that the trial is not likely to be concluded in the near future.

Keeping in view the custody period, this Court feels that no purpose shall be achieved in keeping the petitioner under further

incarceration. Accordingly, without adverting to the merits of the instant case, this petition is allowed.

The petitioner be admitted to bail during the pendency of the trial, subject to his furnishing bail bonds/surety bonds, to the satisfaction of the trial Court.

26.05.2015

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**(JITENDRA CHAUHAN)
JUDGE**