

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

CRM No.M-18529 of 2015

Date of decision: 07.07.2015

Teja Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Mohd. Yousaf, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No.74, dated 21.07.2012, registered under Sections 306 and 34 IPC, at Police Station Lohian, District Jalandhar.

It is contended that the main accused Sukhwant Singh, husband and mother in-law Parkash Kaur of the deceased stand acquitted, vide judgment dated 08.07.2014, wherein the learned Court has observed that no case under Section 306 IPC is made out. The petitioner could not be tried along with the co-accused as he had been declared proclaimed offender. He further contends that the absence of the petitioner from the process of the Court is not

intentional and deliberate. As the wife and son of the petitioner were already in custody, no arrangement could be made for lodging and feeding the children left by the deceased, therefore, to protect the young children, the petitioner could not join the process of law. After the alternate arrangement was made, the petitioner himself surrendered to the process of law. The evidence led against the main accused i.e. Sukhwant Singh and Parkash Kaur will be led against the petitioner as well. The petitioner is in custody since 08.12.2014.

On the other hand, the learned State counsel vehemently argued that the petitioner does not deserve any leniency as he remained proclaimed offender. The challan stands presented and the charges have been framed.

Heard.

Keeping in view the fact that the petitioner is in custody since 08.12.2014 and the trial is not likely to be concluded in the near future, without adverting to the merits of the instant case, the instant petition is allowed. The petitioner be admitted to bail during the pendency of the trial, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

07.07.2015

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(JITENDRA CHAUHAN)
JUDGE