

Ram Mehar vs. State of U.T., Chandigarh

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

CRM-M No. 21627 of 2015 (O&M)

Date of decision: 09.09.2015.

Ram Mehar

..... Petitioner.

Versus

State of UT, Chandigarh

..... Respondent.

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present:- Mr. V.B. Aggarwal, Advocate, for the petitioner.

Mr. J.S. Toor, APP, UT, Chandigarh, for the respondent.

Mr. Deepak Jain, Advocate, for the complainant.

NAVITA SINGH, J. (ORAL)

This petition has been moved by the petitioner under Section 439 of the Code of Criminal Procedure seeking regular bail in case FIR No. 187 dated 08.04.2013, under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code of Police Station Sector 34, Chandigarh.

Counsel for the UT, Chandigarh, has submitted copy of a letter written by the Judicial Magistrate 1st Class, Chandigarh, to the Station House Officer of Police Station Sector 34, Chandigarh, informing that the present petitioner was declared proclaimed offender/absconder vide order dated 16.01.2014. In view of the same, the contention of counsel for the petitioner that he is in custody from 10.09.2014 till date, would have no effect here, as the petitioner had absconded much before that and it was only after he was arrested, he is continuing in custody.

Counsel for the petitioner has submitted that the intimation given today by the state counsel is a bogus one. The letter is signed by the

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Judicial Magistrate 1st Class, Chandigarh, and the observation made by the counsel for the petitioner is just on the verge of contempt. However, no action is being taken in that regard.

Counsel for the petitioner relied on the case reported as **Himmat Singh vs. State of Punjab, 2011 (5) RCR (Criminal) 699 (P&H)**. Nothing was mentioned in the said judgment that the petitioner there had absconded and even otherwise this Court is not bound by the view taken by a Coordinate Bench.

Counsel for the petitioner then referred to the case reported as **Dr. Vinod Bhandari vs. State of M.P., 2015(1) RCR (Criminal) 932 (SC)**. In that case, it was simply said that where the accused is in custody for more than a year, bail should not ordinarily be declined. It was observed that in such circumstances, the trial Court will proceed day-to-day. However, the main thrust was that when a person is kept in custody, it is the duty of the prosecution and the Court to take all possible steps to expedite the trial.

In the above case as well, the facts were different and it was a case where the accused was not an absconder and was not declared proclaimed offender. However, still in view of the fact that the petitioner is in custody for the last one year, trial Court is directed to expedite the trial and make an effort to conclude the same within October, 2015.

Dismissed with the above observations.

(NAVITA SINGH)
JUDGE

09.09.2015
Ramesh