

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

**Crl. Misc. No. M-33911 of 2014
Date of decision : 07.04.2015**

Bhupinder Singh

..... Petitioner

versus

State of Punjab

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present: Mr. J.S. Gill, Advocate
for the petitioner**

Mr. V.P.S. Sidhu, AAG Punjab

ANITA CHAUDHRY, J.

The petitioner is seeking regular bail in FIR No. 05 dated 14.01.2013, registered at Police Station Mehtiana, District Hoshiarpur under Sections 148, 452, 323, 324, 326, 427, 379, 506, 149 IPC.

Heard.

Learned counsel for the petitioner contends that originally the case was under Section 323/324 IPC but later on Section 326 IPC was added. He urges that the petitioner is in custody for over a year but the trial is yet to commence. He further states that charges have not been framed as either the jail authorities failed to produce the accused who are in custody or one or the other accused absented and non-bailable warrants have been issued. He further contends that there is no default on the part of the petitioner and he is permanent resident of District Hoshiarpur. The Election I-Card of Bhupinder Singh has been placed on record.

Learned State counsel has opposed the bail application.

He states that petitioner would absent and would abscond.

Perusal of the zimni order placed on record by the petitioner shows that the case is being adjourned for the past six months only for presence of the accused. Some of the orders show that production warrants have been issued but the jail authorities have not produced them. This position has been noted in other cases also. The situation in the State of Punjab is grim so far as non-execution of production warrants is concerned.

Without commenting on the merits of the case and considering the fact that the trial would take time to conclude, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate personal and surety bond to the satisfaction of the trial Court.

April 07, 2015

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**(ANITA CHAUDHRY)
JUDGE**