

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-36976 of 2015

.....

Date of decision:7.12.2015

Ved Parkash

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Anmol Partap Singh Mann, Advocate for the petitioner.

Ms. Simsi Dhir Malhotra, Deputy Advocate General, Punjab
for the respondent-State.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.199 dated 24.11.1999 (Annexure-P.1) registered for the offences under Sections 406, 409, 420 and 120-B IPC at Police Station Phase 1, Mohali.

Learned counsel for the petitioner argued that as per the order of the Hon'ble Supreme Court the cases were directed to be handed over to C.B.I. and the present petitioner remained appearing in the cases filed by the C.B.I. as he was under the mistaken belief that all the cases have been transferred. But the cases in which the challans have already been presented were not transferred to the C.B.I., therefore, the petitioner absented from the proceedings. Learned counsel for the petitioner also argued that the

petitioner has been shown as proclaimed offender in the record, but he has neither been served personally nor any proceedings regarding declaring him as proclaimed offender have been initiated.

Notice of motion has been issued in this case.

Ms. Simsi Dhir Malhotra, learned Deputy Advocate General, Punjab has put in appearance on behalf of the respondent-State filed reply and contested this petition.

I have heard learned counsel for the petitioner as well as learned Deputy Advocate General, Punjab appearing for the respondent-State and have gone through the record.

It is admitted fact that there are so many cases filed against the present petitioner along with other persons for embezzlement etc.

From the record, firstly, I find that no proceedings regarding declaring him proclaimed offender have been initiated by the trial Court. This fact is admitted that the petitioner remained appearing in the cases which were filed by the C.B.I.

The petitioner is in custody in this case since 1.4.2015. He has to simply face the trial. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till the final disposal of the case.

Therefore, keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released

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on bail subject to his furnishing personal bond in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

December 7, 2015.

(Inderjit Singh)
Judge

hsp