

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

CRM-M No. 5611 of 2015 (O&M)

Date of decision: 02.06.2015.

Kulwinder Singh @ Binder Singh Petitioner.

Versus

State of Punjab Respondent.

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present:- Mr. Rajbir Singh, Advocate, for the petitioner.

Mr. Gaurav Garg Dhuriwala, DAG, Punjab, for the respondent.

NAVITA SINGH, J. (ORAL)

It is submitted on behalf of the petitioner that he as also co-accused Kulwant Singh were declared proclaimed offenders. The petitioner surrendered while the other accused is still not apprehended nor has surrendered. The third accused Jagtar Singh stood convicted on 18.05.2015 by the Judge, Special Court, Patiala.

It appears that on the last date, it was submitted by mistake that the case against both the accused was pending for 18.05.2015.

Regarding the petitioner, it is submitted that the charges have been drawn up, but prosecution evidence has yet not started. He is in custody since 06.11.2014, on which date he surrendered and was produced by his uncle Niranjana Singh, Ex-Sarpanch.

Counsel for the State submits that he has no instructions regarding surrender by the petitioner and it is not known as to whether he actually surrendered or was arrested.

In any case, the petitioner is in custody for the last about seven months and trial has not practically started. If a person is declared proclaimed offender, it does not mean that he be behind the bars during the entire trial. It was sufficient that bail was not granted to him and he remained in custody for about seven months.

In view of the above, request of the petitioner is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of trial Court.

(NAVITA SINGH)
JUDGE

02.06.2015
Ramesh