

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

CRM-M No.7561 of 2015 (O&M)
Date of Decision:13.03.2015

Bohar Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE MAHESH GROVER

Present: Mr. Charanjit Singh Bakshi, Advocate
for the petitioner.

Mr. Deepak Garg, AAG, Punjab.

Mahesh Grover, J. (Oral)

The petitioner is facing a trial in a case FIR No.30 dated 20.04.2010 registered under Sections 302/34/120-B IPC at Police Station Lambra, District Jaladhar. He had been declared a proclaimed offender and thus managed to evade trial while his co-accused Amandeep Kaur and Davinder Singh @ Buta Singh faced the trial and earned the acquittal, which was affirmed by Division Bench of this Court.

Learned counsel for the petitioner contends that the petitioner is in custody since 27.05.2014 and that the lapse of non-appearance is not on account of his fault but due to the fact that he was serving at Ferozepur and hence not aware of the proceedings.

The Court would not like to comment on this issue. Suffice it to say that he is in custody since 27.05.2014 and trial is likely to take some time, on account of 23 witness, which are yet to be examined.

Considering the aforesaid facts and period of custody of the petitioner, instant petition is accepted. It is directed that the petitioner

be released on bail in terms of Section 439 Cr.PC subject to his

furnishing of bail bonds to the satisfaction of trial court, which shall ensure heavy surety in order to obviate the chances of the petitioner absconding, noticing the fact that he is proclaimed offender. Trial Court is also at liberty to impose any other conditions that it may deem fit in the given circumstances to ensure his continuance participation in the trial.

Nothing said herein shall be construed to be an expression on the merits of the case.

13.03.2015
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(Mahesh Grover)
Judge