

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

Crl. Misc. No.M-929 of 2015

Date of Decision: 20.02.2015

Vinod Kumar

....Petitioner

Vs.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. A.K. Jain, Addl. Advocate General, Punjab.

Amol Rattan Singh, J (Oral)

The petitioner, in this case, had earlier filed Crl. Misc. No.M-29242 of 2014, seeking grant of regular bail, which was denied to him on account of the fact that he remained a proclaimed offender/person for 11 years, during which period his co-accused were convicted by the trial Court.

While disposing of that petition on 08.09.2014, this Court had directed the trial Court to ensure that the trial is expedited and had also directed the Commissioner of Police, Jalandhar, to ensure that all official witnesses at least, appear in Court as and when they are directed to appear and in case other witnesses do not appear and any warrants to secure their presence are issued by the trial Court, then such warrants are duly executed.

It had also been observed by this Court that in case the trial does not make any headway in the next four months, then the petitioner would be at liberty to move an appropriate application for bail.

Consequently, the present petition has been filed seeking bail to the petitioner, who is in custody since 17.08.2013, with no progress reported

in the trial.

Mr. Jain, learned Addl. Advocate General, Punjab, on instructions from the police official who is present in Court to assist him, submits that only one witness has been examined and the next date of hearing in the trial is 25.02.2015.

In view of the above, though the explanation of the Commissioner of Police, Jalandhar, needs to be called for, as to why he completely disregarded the order of this Court passed in CRM-M-29242 of 2014 on 08.09.2014, however, since that would only prolong the matter and thereby keeping the petitioner in custody for further period of time, even though his co-accused were eventually convicted for the same offence for a substantive sentence of two years, with the other sentences running concurrently, I see no reason as to why the petitioner should be denied the benefit of being enlarged on bail.

Consequently, this petition is allowed. The petitioner would be enlarged on bail to the satisfaction of the trial Court. However, since he remained a proclaimed offender/person for 11 years, the trial Court would ensure that it puts the petitioner to heavy terms and sureties before granting him bail.

February 20, 2015
vcgarg

(Amol Rattan Singh)
Judge