

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

**Criminal Misc. No. M-11139 of 2016
Date of Decision:-21.07.2016**

Sanjeev Nayyar

...Petitioner

Versus

State of U.T. Chandigarh

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

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

Mr. Sukant Gupta, APP for the respondent-U.T. Chandigarh.

HARI PAL VERMA J.(Oral)

Prayer in this petition is for grant of regular bail to the petitioner in case FIR No.298 dated 10.9.2004, under Sections 420, 467, 468, 471 and 120-B IPC, registered at Police Station Sector 36, Chandigarh.

The said FIR was lodged at the instance of one Kulwant Singh Gill. The allegation against the petitioner is that he has sold the house No.2532, Sector 35-C, Chandigarh despite the fact that the house was not owned by him.

Learned counsel for the petitioner contends that in the case in

hand, the FIR was registered on 10.9.2004 but trial in the case has not been concluded. He further states that the co-accused of the petitioner namely Kuldeep Nahar son of Lal Chand has been tried by learned Magistrate and vide judgment dated 30.10.2014 he has been convicted and sentenced for two years each for offences under Sections 420, 467, 468, 471 and 120-B IPC. Learned counsel further submits that in view of the fact that the maximum sentence awarded to the co-accused is 2 years and as the petitioner is in custody for about 1 year, 10 months and 10 days, he be admitted on regular bail as the trial is not going to be concluded in the near future.

On the other hand, learned APP for U.T. Chandigarh has filed the custody certificate of the petitioner and has referred to the various cases registered against the petitioner not only in Chandigarh but other parts of the country as well. On instructions from SI Harjinder Singh, he states that as many as 11 cases are pending against the petitioner and he is facing trial in all these cases. He further states that in case the petitioner is admitted on bail, his availability would again be a problem for the prosecution, more particularly when he has already been declared proclaimed in the present case.

I have heard learned counsel for the parties.

There is no dispute that the FIR in question was registered on 10.9.2004 and since then the petitioner is facing the trial. Other co-accused namely Kuldeep Nahar has admittedly been convicted for maximum sentence of two years each for the offences referred in the FIR.

In view of the above, the present petition is disposed of at this stage with direction to the trial Court to expedite the trial and to conclude the same preferably within a period of two months from the date of receipt of the communication from this Court.

However, in case the trial is not concluded in the period mentioned above, the petitioner would be at liberty to approach the trial Court for the relief of regular bail.

As regard the contention raised by learned APP that because of the appeal filed by the co-accused, the original record of the case is being with the Appellate Court. In the absence of the record, the trial could not proceed. Accordingly, it is directed that the Appellate Court shall return the original record to the trial Court, however, it shall keep a photocopy of the record of the trial Court with it so that appeal of co-accused may be heard by the Appellate Court.

July 21, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE