

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No. M-30300 of 2016

Date of Decision: 02.09.2016

Pawan Kumar @ Happy

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

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

Present:- Mr. S.S. Rana, Advocate
for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.45 dated 7.6.2010 under Sections 379, 323, 341, 506, 427, 148, 149 of the Indian Penal Code, 1860 registered at Police Station Division No.3, Ludhiana.

Learned counsel for the petitioner contends that the petitioner had regularly been attending the Court proceedings. However, on 17.7.2014, he could not appear before the Court and therefore, vide order dated 7.11.2015, the petitioner was declared as proclaimed offender. He submits that the petitioner was arrested on 29.7.2016 and he is in custody since then. He further stated that apart from the fact the petitioner is facing

the agony of protracted trial since 7.6.2010, i.e the date when FIR was registered, even the complainant is reported to have died.

On the other hand, learned State counsel has argued that the petitioner being a proclaimed offender is not entitled to the relief of regular bail.

I have heard learned counsel for the parties.

Considering the fact that petitioner is suffering the agony of protracted trial since 7.6.2010 and was absent only on one occasion during trial i.e. on 17.7.2014, coupled with the fact that the trial will take sufficiently long time and no useful purpose would be served to keep the petitioner in custody, the present petition is allowed. Accordingly, the petitioner is admitted on regular bail subject to his furnishing of bail bonds/surety bonds to the satisfaction of the trial Court.

It is made clear that expression made hereinabove shall not be construed as any opinion on the merits of the case.

September 02, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No