

CRM-M-32233-2016

Date of Decision : 23.09.2016

Munish Rai @ Toni

.....Petitioner

versus

State of Punjab

....Respondent

**CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI****Present:** Mr. Dinesh Sharma, Advocate  
for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

**M.M.S. BEDI, JUDGE (ORAL)**

Petitioner is facing trial in an FIR No. 101 dated 28.08.2011 under Sections 399 and 402 IPC registered at Police Station Model Town, District Ludhiana. He was charged of having planned to commit robbery in a shop in Model Town, Ludhiana. He was heard planning about the robberies. The petitioner was declared a proclaimed offender on 02.02.2016 and was arrested on 18.04.2016, when he was arrested in another case.

Perusal of the record indicates that he has frequently absented himself four times, as such, he was declared proclaimed offender with effect from 02.02.2016. Only one witness has been examined.

Learned counsel for the petitioner submits that similarly circumstanced co-accused of the petitioner Tirath Singh @ Kala has been granted the concession of bail by this Court on 16.09.2016.

I have considered all the facts and circumstances of the case and I am of the opinion that the criminal case was registered against the

petitioner in the year 2011. On account of hide and seek being played by the accused and prosecution witnesses, case has not been decided finally.

Striking a balance between the right of the petitioner and the prosecution agency, I deem it appropriate to dismiss this petition at this stage by issuing a direction to the trial Court to make an earnest endeavour to give short dates of hearing and examining all the material witnesses. Direction is also issued to the investigating agency to produce the entire evidence within a period of two months after the next date of hearing fixed before the trial Court.

It is ordered that all the witnesses of the prosecution are not examined within a period of two months after the next date of hearing, the trial Court shall release the petitioner on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

Copy of the order be sent to the concerned Senior Superintendent of Police for compliance.

**(M.M.S. BEDI)**  
**JUDGE**

**23.09.2016**  
*Neha*

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No