

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

CRM-M-37300-2016 (O&M)
Date of decision : 03.11.2016

Arun Sharma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Kirpal Singh Thakur, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab,
assisted by ASI Jaswant Singh.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking regular bail in FIR No.237 dated 25.08.2010, registered under Sections 419, 420, 465, 467, 468, 471, 197 and 205 of the Indian Penal Code, at P.S. City, Faridkot.

Contents that the petitioner is not the beneficiary. He is only an attesting witness. The petitioner has already undergone more than 1 year and 2 months of incarceration. He was declared proclaimed offender without proper service having been effected upon him. The main accused have already been granted bail.

On the other hand, learned State counsel has opposed the instant petition. On instructions, learned State counsel, though does not dispute the custody period, but states that the petitioner was declared a proclaimed offender. She further informs that the trial is in progress and out of 19 prosecution witnesses, 12 have already been examined.

Heard.

The petitioner is behind the bars since 17.08.2015. The challan stands already presented and out of 19 prosecution witnesses, only 12 have been examined so far, therefore, it can safely be inferred that the conclusion of the trial may take considerable time. As such, no useful purpose would be served by keeping the petitioner in custody.

Keeping in view the above and without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

03.11.2016
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No