

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

CRM-M No.37702 of 2016
Date of decision: 10th November, 2016

Harbans Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Ms. Niharika Gupta, Advocate for
Ms. Anju Arora, Advocate for the petitioner.
Mr. C.S. Brar, Dy. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Harbans Singh in this petition filed under Section 439 Cr.P.C. seeking regular bail in case FIR No.24 dated 14.02.2013 registered at Police Station City Fazilka under Sections 419, 420, 465, 467, 468, 470, 120B IPC, are that while acting as a Namberdar he has identified the execution of a sale deed dated 30.08.2012 and that subsequently on account of his non appearance during investigation and after submission of challan he was declared proclaimed offender.

Contentions of the learned counsel for the petitioner are that the petitioner is in custody since 13.07.2016 and that he is neither beneficiary and has only identified the persons and that the trial/investigation is not likely to be concluded in near future.

Though the learned State counsel has not differed over the factual aspect but has sought to oppose the grant of bail to the petitioner on the ground that if allowed bail he may again abscond and that his co-accused has since been convicted.

Keeping in view the period of incarceration and that right from inception of the FIR the petitioner, as per the contentions of his counsel, was unaware of the proceedings and had surrendered on his own and is in custody, together with the fact that trial is not likely to conclude in the near future, this Court is of the opinion that further detention of the petitioner in the present case is unwarranted. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Fazilka.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

November 10, 2016

rps

Whether speaking/reasoned	Yes/No
---------------------------	--------

Whether reportable	Yes/No
--------------------	--------