

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

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CRL. MISC. No.M-37825 OF 2016 (O&M)
DATE OF DECISION : 27th OCTOBER, 2016

Varinder Singh @ Vicky Bhapra

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. Gursimran Singh, Advocate for the petitioner.

Ms. Rajni Gupta, Addl. A.G. Punjab.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed this petition under Section 438 Cr.P.C. seeking regular bail in FIR No.117 dated 13.06.2011 registered under Section 302 read with Section 34 IPC at Police Station Shimlapuri, District Ludhiana.

Heard learned counsel for the rival parties.

Admittedly, the petitioner, who was absconding for long period, was arrested on 13.10.2012 and is in jail since then.

Learned State counsel submits that supplementary challan has been filed against the petitioner as the other co-accused have been acquitted in the trial that was held. It was only the petitioner who could not be tried as he was absconding.

Be that as it may. In my opinion, even if the petitioner was absconding for some time and has not faced the trial, that does not mean that the petitioner shall be retained in jail. The petitioner is in jail since date of his arrest i.e. for almost four years. The observation of the trial

court in its order, that the co-accused have been acquitted for want of substantial evidence against them, is relevant to determine the prima facie case for release of the petitioner on bail.

In view of the above, I am inclined to grant bail to the petitioner. Hence, this petition for regular bail is allowed.

Bail to the satisfaction of the concerned CJM/Duty Magistrate.

27th OCTOBER, 2016
'raj'

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No.