

Sr. No.216

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

CRM No. M- 13730 of 2017 (O&M)

Date of Decision:16.05.2017

Talwinder Singh @ Babu @ Bablu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Naveen Bawa, Advocate
for the petitioner.

Ms. Harpreet K. Athwal, DAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

The present petition has been filed under Section 439 Cr.P.C. seeking concession of regular bail to the petitioner pending trial in FIR No.197 dated 21.10.2011, under Sections 420/120-B of Indian Penal Code, registered at Police Station Shimlapuri, District Ludhiana.

Counsel for the parties have been heard.

FIR was registered on the allegations that a sum of Rs.18 lacs has been misappropriated by the present petitioner as also two other co-accused, who are his brother and father respectively, on the pretext of sending son of the complainant to foreign country.

It has gone uncontroverted that the petitioner having

not joined investigation was declared a proclaimed offender on 30.04.2013. However, he was arrested on 21.09.2016 and has been in custody ever since.

It is the contention raised by counsel that the cheques that have been issued to the complainant for return of the money, were not under the signatures of the present petitioner, but had been issued by co-accused i.e. Jai Pal.

Learned State counsel upon instructions from HC Ranjit Singh, apprises the Court that after arrest of the petitioner, the supplementary challan has been presented on 13.02.2017 and even charges have been framed on 12.04.2017. Prosecution evidence is yet to be led.

Trial, as such, would take time to conclude.

The offences are triable by the Court of Magistrate.

In the considered view of this Court, even though the petitioner was declared a proclaimed offender, yet he has faced incarceration since 21.09.2016.

Without making any observations on merits, the present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of trial Court/Duty Magistrate, Ludhiana.

Petition disposed of.

16.05.2017*anju rani***(TEJINDER SINGH DHINDSA)
JUDGE**

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether Reportable</i>	:	<i>Yes/No</i>