

CRM-M-13766-2017

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

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Date of Decision: 23.05.2017

Kaku Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Ms. Deepshikha Chauhan, Advocate,
for the petitioner.

Mr. V.P.S.Sidhu, AAG, Punjab.

INDERJIT SINGH, J.

Petitioner-Kaku Singh has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.14 dated 21.02.2013, registered at Police Station Gidderbaha, Sri Muktsar Sahib, under Sections 302 and 34 of the Indian Penal Code.

Notice of motion has been issued. Learned State counsel has appeared and contested the instant petition.

I have heard learned counsel for the petitioner as well as learned State counsel and gone through the record. Police record is also perused.

As argued, earlier the petitioner was found innocent by the police, but later on summoned by the Court under Section 319 Cr.P.C.

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Since he did not appear before the court during the trial, therefore, he was declared proclaimed offender and now he is in judicial custody. It is also argued by learned counsel for the petitioner that two co-accused have already been convicted by the trial court; their appeal is pending before this Court and now the record has been summoned by this Court, therefore, trial qua the petitioner is not in progress.

The petitioner has been in custody since September, 2014. He is not required for any investigation or interrogation purposes as he is in judicial custody. The trial of the case will take long time.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail; without expressing any opinion on the merits of the case and in view of the facts that earlier the petitioner was found innocent, but later on summoned under Section 319 Cr.P.C., I find that no useful purpose will be served by keeping the petitioner in custody till the final disposal of the case. Therefore, finding merit in the present petition, the same is allowed. The petitioner is ordered to be released on bail subject to his furnishing personal bonds in the sum of ₹50,000/- with two sureties in the like amount each to the satisfaction of the trial Court/Duty Magistrate.

23.05.2017

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Whether speaking/reasoned	:	Yes
Whether reportable	:	No