

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-44370 of 2017
Date of Decision: 01.12.2017

Ashu

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

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

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.173 dated 02.08.2011 registered for the offence punishable under Section 392 read with Section 34 of Indian Penal Code (for short, "IPC") at Police Station Focal Point, District Ludhiana.

Heard.

Notice of motion.

On asking of the court, Mr. C.L. Pawar, Sr. D.A.G., Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

The petitioner, who was in custody in this case, was allowed bail on 20.10.2014 and during trial he absented on 07.01.2017. After issuing his non-bailable warrants, he was declared proclaimed offender vide order dated 16.08.2017. As per custody certificate placed on file, he was in custody in another case bearing FIR No. 27 dated 17.02.2017, registered at

Police Station Model Town, Ludhiana, where he was arrested and sent to jail on 14.07.2017.

Learned State counsel submits that in this case the prosecution has so far examined only one out of 12 witnesses.

Keeping in view above facts, period of incarceration of the petitioner in this case which is 3 years 4 months and 13 days and that the prosecution has not been able to conclude its evidence despite lapse of long period after presentation of challan, the present petition is allowed. Petitioner-Ashu is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

December 01, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No