

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
211**

**CRM-18690-2018
CRM-M-21529-2018**

Date of decision:30.05.2018

Mohd. Sujak

...PETITIONER

Vs.

State of Punjab

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. S.K.Pipat, Sr. Advocate,
with Mr. H.K.Brinda, Advocate,
for the petitioner.

Mr. Dhruv Dayal, Sr. DAG , Punjab,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CRM-18690-2018

Application is allowed as prayed for. Filing of certified copies of Annexures P-1 and P-2 and true typed copy of Annexure P-2 is dispensed with.

CRM-M-21529-2018

Prayer in this application is for grant of regular bail in FIR No. 30 dated 12.03.2014 registered under Section 302 IPC at Police Station Division No. 6, Ludhiana, District Ludhiana.

It is the contention of the learned counsel for the petitioner that the petitioner was arrested on 13.03.2014 and is in custody since then. He contends that the case is based upon last seen. As a matter of fact, the evidence of the prosecution, on the statement of the Public Prosecutor, was closed on 25.08.2017 and thereafter, the statements of the accused were recorded under Section 313 Cr. P.C. An application under Section

311 Cr. P.C. was moved by the prosecution, which was allowed by the trial Court on 03.11.2017 and till date, the trial is not concluded as another application for summoning Dr. Navjot Kaur has been filed, which is still pending decision. Counsel contends that the case being based upon last seen only and there is no eye witness to the case with the trial not likely to conclude in near future, petitioner be granted the benefit of bail.

Counsel for the State could not dispute the factual assertions, as have been made by the counsel for the petitioner, however, he has produced the custody certificate, which indicates that the petitioner is in custody for more than 4 years and 2 months.

Keeping in view the above facts and circumstances and also the fact that the trial is not likely to conclude in near future and the period of custody of the petitioner, the present application is allowed. Petitioner is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

Any observations made herein above shall have no bearing on the merits of the case in any manner.

May 30, 2018

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No