

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

CRM-M No. 48036 of 2018 (O&M)

Date of Decision:.02.11.2018

Kashmir Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Tarun Jhatta, Advocate for the petitioner.
Mr. Sandeep Kumar,DAG, Punjab for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 10 dated 17.01.2006, registered under Sections 336, 427, 171-C, 148 and 149 of the Indian Penal Code and 25/27/54/59 of Arms Act, 1959, registered at Police Station Zira.

It is contended by learned Counsel for the petitioner that the petitioner is in custody since 26.06.2018 and challan has already been presented and trial is fixed for prosecution evidence and there are total 17 prosecution witnesses and none has been examined and as such, trial will take long time and no useful purpose would be served by keeping the petitioner behind the bars.

On the other hand, learned State Counsel, on instructions from HC Bhagwan Singh, Police Station Sadar, Zira, has opposed the bail application by contending that on earlier occasion the petitioner was declared as proclaimed offender on 26.03.2018 and he is likely to abscond

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again and may delay the trial.

Heard both sides and perused the paper book.

Undisputedly, the petitioner is in custody since 26.06.2018 and case is fixed for prosecution evidence. It is also necessary to mention that other co-accused have already been acquitted by learned trial Court. However, he was declared as proclaimed offender but that cannot be the sole ground to deny concession of bail in view of the facts and circumstances of the present case. Consequently, the present petition is allowed and petitioner-Kashmir Singh is ordered to be released on bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court / Duty Magistrate, concerned.

However, it is made clear that petitioner shall not avoid or miss any date of hearing before the learned trial Court and shall fully cooperate with the proceedings.

The above observations may not be construed as an expression of opinion on merits of case.

02.11.2018

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**(MAHABIR SINGH SINDHU)
JUDGE**

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