

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

CRM-M-9857-2018 (O&M)

Date of decision:03.04.2018

Ashwani Kumar @ Kali

... Petitioner

Vs.

State of Punjab

... Respondent

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

Present: Mr. N.K. Vadehra, Advocate for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

Petitioner seeks benefit of regular bail pending trial in case F.I.R. No.07, dated 09.02.2015, under Sections 353/186/363-A/148/149 IPC (Section 307 IPC and Section 25(i) of the Arms Act have been added subsequently), registered at Police Station Qadian, District Gurdaspur.

During the course of arguments, it has gone uncontroverted that the petitioner had earlier been granted concession of bail but subsequently he had absented from trial proceedings on 23.08.2016.

Petitioner thereafter surrendered on 07.03.2017.

Learned State counsel upon instructions from ASI Gurnam Singh informs the Court that out of 32 prosecution witnesses cited only 5 have been examined till date. Trial, as such, would take time to conclude.

Undoubtedly, petitioner had misused the concession of bail.

Be that as it may, petitioner has now faced incarceration for a period in excess of one year having surrendered on 07.03.2017.

Without making any observations on merits, present petition is allowed.

Petitioner be enlarged on bail subject to satisfaction of Trial
Court/Duty Magistrate concerned.

Petition disposed of.

03.04.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |