

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.207

CRM-M-11419-2020 (O&M)

Date of decision : 6.10.2020

Som Nath

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Ms. Rishma Verma, Advocate, for the petitioner.

Mr. APS Gill, DAG, Punjab.

Mr. S.S. Narula, Advocate, for the complainant.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks regular bail in case FIR No.05 dated 21.4.2018, registered at Police Station NRI, Jalandhar, under Sections 420, 465, 467, 468, 471 and 120-B IPC.

Learned counsel for the petitioner submits that the petitioner has been in custody for over 08 months. The trial is not likely to be concluded at an early date as even, charges have not yet been framed. The co-accused have been granted regular bail and the petitioner deserves a similar concession.

Custody certificate dated 5.10.2020 has been produced in Court and the same is taken on record. According to this certificate, the petitioner has undergone actual custody of 08 months and 11 days and there is no other criminal case pending against him.

Learned State counsel concedes that the trial has still not commenced.

Learned counsel for the complainant opposes the prayer for bail by arguing that the petitioner is king-pin in this case. He misused the power

complainant. Earlier also, the petitioner evaded the law for a long period of time and could be brought to trial only after he surrendered in January, 2020. In case, he is granted regular bail, it is likely that he may abscond and avoid legal proceedings.

Serious allegations have been made against the petitioner, but the Court cannot lose sight of the fact that the trial has still not commenced as even, charges have not yet been framed. The petitioner has been in custody for 08 months and 11 days and he cannot be kept in custody, indefinitely. However, steps can be taken to ensure that he does not abscond from the law.

Accordingly, the petition is allowed and petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

The petitioner is directed to surrender his passport and to mark his presence at the local police station every four weeks.

CRM-10448-2020

Since, the main case has been decided vide order of even date, this application has been rendered infructuous.

Disposed of as having been rendered infructuous.

(SUDHIR MITTAL)
JUDGE

6.10.2020
Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No