

Kala

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Raj Kumar Arya, Advocate
for the petitioner

Mr. Randhir Singh Thind, DAG Punjab

Sudhir Mittal, J. (Oral)

The petitioner seeks grant of regular bail in case FIR No. 51 dated 16.07.2015 registered under Sections 302, 452, 506, 148, 149 IPC at Police Station Shri Hargobindpur, District Gurdaspur.

Learned counsel for the petitioner submits that the petitioner has been in custody for more than one year. The charges have not yet been framed, thus, the trial is not likely to be concluded at an early date. The co-accused have since been acquitted and, thus, the petitioner deserves to be granted regular bail.

Custody certificate dated 16.09.2020 has been presented in the Court. The same is taken on record. According to this custody certificate, the petitioner has undergone actual custody of 1 year, 2 months and 21 days and there is one other conviction recorded against him in which he has already undergone the sentence.

Learned State counsel opposes the prayer for bail on the ground that the petitioner has evaded the law for a long period. The argument regarding status of the trial and that the other co-accused have been acquitted has been accepted.

The petitioner has been in custody for 1 year, 2 months and 21 days and the trial is not likely to be concluded at an early date. Since the co-accused have been acquitted, his acquittal is also more than likely. The custody period undergone is sufficient punishment for evading the law, thus, the petitioner deserves to be granted regular bail.

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

September 17, 2020

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No