

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

**CRM-M No.52608 of 2019
Date of Decision : 06.02.2020**

Rajesh Kumar alias Banta

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Navjot Singh, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

SUDIP AHLUWALIA, J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure seeking regular bail in case FIR No.120, dated 07.09.2017, registered under Sections 302, 148, 149 & 120-B of the Indian Penal Code, 1860 and Sections 27 & 25 of the Arms Act, 1959, at Police Station Mahilpur, District Hoshiarpur.

2. Mr. Paramjit Singh Jammu, Advocate puts in appearance and filed his Vakalatnama on behalf of the complainant, today in the Court; Be kept on the record.

2. It is submitted *inter alia* that the petitioner has remained in detention since October, 2017, and that even after completion of the investigation, trial against the petitioner has still not commenced.

3. Ld. Counsel for the State in this regard submits that the trial is withheld on account of the fact that two other accused persons are absconding.

4. In the opinion of this Court, trial ought not to be delayed merely because some co-accused is presently unavailable.

5. Ld. Trial Court is now directed to do the needful for commencing the petitioner's trial expeditiously, after passing appropriate orders *qua* the absconding accused persons, against whom, the warrants of proclamation and attachment are stated to be already issued.

6. In view of the above direction, Ld. Counsel for the petitioner seeks to withdraw the present petition with liberty to move a fresh one at an appropriate stage, if so required.

February 06, 2020

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**(SUDIP AHLUWALIA)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No