

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

114

CRM-M-33827-2021.

Date of Decision: 16.12.2021.

Kuldeep Kumar @ Keepa

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Ms. Satpreet Grewal Kapila, Advocate for petitioner.

Mr. Anmol Singh Sandhu, Assistant Advocate General, Punjab.

Lalit Batra, J.(Oral)

This petition under Section 439 Cr.P.C for grant of regular bail has been moved by petitioner-**Kuldeep Kumar @ Keepa** in case FIR No.50 dated 08.06.2012 under Section 392 IPC (Section 411 read with Section 34 IPC added lateron), registered at Police Station Sadar Hoshiarpur, District Hoshiarpur.

Learned counsel for the petitioner *inter alia* contends that in the instant case FIR, petitioner was admitted to bail, but he absented from Court proceedings on 19.11.2013 and ultimately, he was declared 'proclaimed offender' on 12.11.2014. She further submits that co-accused namely Manvir Singh and Jagbir Singh @ Jaggi faced trial and though vide judgment of conviction dated 28.09.2018, they were convicted for the commission of offence punishable under Sections 392 and 411 IPC read with Section 34 IPC and sentenced to undergo imprisonment, vide order on quantum of sentence dated 28.09.2018, however, during the course of appeal, co-accused Jagbir Singh @ Jaggi was acquitted of charges levelled

against him, whereas conviction qua co-accused Manvir Singh was maintained, but his sentence was reduced to two years in the instant case FIR, vide judgment dated 23.11.2019 passed by Additional Sessions Judge, Hoshiarpur. She further submits that petitioner has already been arrested in the instant case and is languishing in custody since 23.02.2021 and the next date of hearing before the Trial Court is 10.03.2022. She further submits that after presentation of final report as envisaged under Section 173 Cr.P.C. (*Challan*) in Court, trial has already commenced. She further urges that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view delaying tactics of petitioner and having remained absconder for more than six years, he does not deserve the concession of bail.

I have heard learned counsel for the parties and have carefully gone through the record of the case.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is languishing in custody since 23.02.2021; that petitioner is no more required by the police for investigation purpose; that final report as envisaged under Section 173 Cr.P.C. (*Challan*) has already been presented in Court and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the

In view of above, instant petition for grant of regular bail moved by petitioner-**Kuldeep Kumar @ Keepa** is allowed and he is ordered to be released on bail on his furnishing personal bond and surety bond to the satisfaction of Trial Court/Chief Judicial Magistrate/Duty Magistrate, Hoshiarpur, as the case may be.

(LALIT BATRA)
JUDGE

16.12.2021

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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No