

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

CRM-M-10036-2022
Date of Decision:-**10.11.2022**

FRANCIS EMEKA DURUOBASI

... Petitioner

Versus

STATE (U.T. CHANDIGARH)

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Amit Sharma, Advocate
for the petitioner.

Mr. Anil Lamdharia, Addl. P.P. Chandigarh.

-.-

KARAMJIT SINGH, J. (Oral)

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.72 dated 11.9.2020 registered under Sections 201, 204, 419, 420, 120-B IPC and Section 14 of Foreigners Act and Sections 66-C and 66-D of IT Act at Police Station Sector-19, Chandigarh.

The counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and is behind the bars for the last more than 1 year and 9 months and all the offences are triable by the Court of Judicial Magistrate Ist Class and that the trial is not proceeding ahead and

it will take considerable time for trial to conclude, consequently prayer is made for grant of regular bail.

The instant petition is resisted by the Addl. P.P., who on instructions from SI Krishan Dev has not disputed the fact that presently the trial is going on in the Court of Judicial Magistrate Ist Class, Chandigarh and that the petitioner is incarcerated for the last more than 1 year and 9 months and till date only 2 prosecution witnesses are examined. Addl. P.P. appearing on behalf of the UT Chandigarh further submits that the petitioner is citizen of Nigeria and in case he is released on bail there are chances that he may abscond or leave the country.

The counsel appearing on behalf of the petitioner clarified that the passport of the petitioner is lying with the investigating agency and in the absence of his passport, the petitioner cannot leave this country.

I have considered the submissions made by counsel for the parties.

Admittedly all the offences are triable by Judicial Magistrate Ist Class and presently trial is going in the Court of Judicial Magistrate Ist Class, Chandigarh and till date only 2 prosecution witnesses out of total 29 prosecution witnesses are examined. As per the custody certificate furnished by the counsel appearing on behalf of the UT Chandigarh the petitioner is in custody for the last 1 year and 9 months and it will take time for the trial to conclude, so no purpose is going to be served by keeping the accused behind the bars for any longer period.

Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bond with two heavy sureties to the satisfaction of the trial Court/CJM/Duty Magistrate concerned and the petitioner cannot leave the country without prior permission of the trial Court.

10.11.2022
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No