

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.210

CRM-M-134-2023 (O&M)
Date of decision :13.03.2023

Jimmy Mann and another

.... Petitioners

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Ramandeep, Advocate, for the petitioners.

Mr. Harkanwarjit Singh, AAG, Punjab

SUDHIR MITTAL, J. (Oral)

CRM-7623-2023

This application has been filed for placing on record order dated 16.03.2022 passed in CRM-M-9052-2022.

For the reasons stated therein, the application is allowed. Order aforementioned is taken on record.

CRM-M-134-2023

The petitioners seek regular bail in case FIR No. 0005 dated 21.04.2018, registered at Police Station NRI, Police Commissionerate Jalandhar, under Sections 420 & 120-B IPC (Challan presented under Sections 420, 120-B, 465, 467, 468 & 471 IPC)

Learned counsel for the petitioners submits that the petitioners have been in custody for over 04 months. The trial is not likely to be concluded at an early date as charges have not yet been framed. There is no other criminal case pending against the petitioners and thus, they may be granted regular bail.

Custody certificates dated 11.03.2023 checked by Sh. Hemant Sharma, Additional Superintendent, Central Jail, Kapurthala have been filed in Court. The same are taken on record. A perusal thereof shows that the petitioners have undergone actual custody of 04 months and 07 days and there is no other criminal case pending against them.

Learned State counsel concedes that charges have not yet been framed. He, however, submits that the petitioners were declared as proclaimed persons and that 09 other co-accused remain to be arrested.

Learned counsel for the petitioners submits that the order declaring the petitioners as proclaimed persons was set aside by this Court vide order dated 16.03.2022 passed in CRM-M-9052-2022. The said order shows that the petitioners were never served. Regarding the co-accused having not been arrested, learned counsel for the petitioners submits that the same cannot be held against the petitioners.

It is thus, clear that the petitioners were wrongly declared proclaimed persons. They have been in custody for over 04 months. The trial is not likely to be concluded at an early date and there is no other criminal case pending against the petitioners. The fact that some of the co-accused have not been arrested is no ground to deny the petitioners regular bail. Keeping in view all these facts, I deem it appropriate to allow the petition. The petition is allowed and it is directed that the petitioners be released on bail on their furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

(SUDHIR MITTAL)
JUDGE

13.03.2023

Ramandeep Singh

Whether speaking / reasoned

Whether Reportable

Yes

No