

**(2010) 08 P&H CK 0377**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** Criminal Miscellaneous No. M 14686 of 2010 (O and M)

Rajesh

APPELLANT

Vs

State of Punjab

RESPONDENT

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**Date of Decision:** Aug. 30, 2010

**Acts Referred:**

- Criminal Procedure Code, 1973 (CrPC) - Section 439, 482

**Hon'ble Judges:** Jaswant Singh, J

**Bench:** Single Bench

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**Judgement**

Jaswant Singh, J.

Crl. Misc. No. 45143 of 2010

1. Application seeking permission u/s 482 Cr.PC for placing on record Annexures P-1 to P-5 is allowed and same are taken on record.

Crl. Misc. No. 45144 of 2010

2. Application seeking exemption u/s 482 Cr.PC from filing true typed copies of Annexures P-1 to P-5 is allowed as prayed for.

Crl. Misc. No. 26303 of 2010

3. Application seeking exemption u/s 482 Cr.PC from filing the certified copy of the vernacular of the FIR.

Crl. Misc. No. M 14686 of 2010

4. Prayer is for grant of regular bail u/s 439 Cr.PC to the petitioner Rajesh son of Satbir Singh in case bearing FIR No. 178 dated 25.07.2003 under Sections 61 Excise Act registered with police station Dera Bassi, SAS Nagar, Mohali.

5. As per the allegations the petitioner along with his two other co-accused were smuggling 420 bottles of English IMFL of brand namely "Officers Choice". The

petitioner is stated to have remained absent before the learned trial court on 29.08.2006 which led to the initiation of proceedings for him being declared as proclaimed offender. However, before the proclamation period could lapse and he be declared proclaimed offender he surrendered on 15.4.2010. The explanation tendered by the petitioner for evading the process of the court is that he was suffering from diabetes. He further submits that in the intervening three years none of the witnesses was examined due to some reason or the other but not attributable to petitioner's absence. Learned Counsel further submits that the petitioner is in custody since 15.4.2010.

6. Learned State counsel on instructions from HC Ashok Kumar does not refute these contentions.

7. In view of the fact that the petitioner is in custody since 15.4.2010 and trial is not likely to be concluded in near future no useful purpose would be served by keeping him in custody as such the present petition is allowed and petitioner is directed to be released on bail subject to satisfaction of the CJM/Duty Magistrate Mohali.