
(1997) 01 P&H CK 0130

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 15673-M of 1996

Bhagwan

APPELLANT

Vs

Central Bureau of Investigations, Chandigarh

RESPONDENT

Date of Decision : 08-01-1997

Acts Referred:

Citation : (1997) 01 P&H CK 0130

Hon'ble Judges : N.K.Kapoor, J

Advocate : R.K. Handa, Bipan Ghai, R.S. Ghai, Advocates for appearing Parties

Judgement

N.K. Kapoor, J.

1. Petitioner has again approached this Court for grant of bail. In fact it is the third application, earlier two having been dismissed by this Court. Vide order dated 19.3.1996 while dismissing the application it was made mention that petitioner can approach this Court afresh in case the witnesses referred in the order dated 24.11.1995 have been examined.

2. According to the learned counsel for the petitioner as many as eight witnesses were examined but subsequently the charge has been reframed and so the proceedings have come to a standstill as one of the accused Shashi Kumar assailed the correctness of the order passed by the Court. According to the learned counsel for the petitioner the arguments on the charge have already been heard but the judgment is reserved. He, however, argues that irrespective of the order which the Court may pass upon the petition filed by Shashi Kumar the petitioner had been deprived of the bail primarily on the ground that he did not come present on the date i.e. 21.12.1996 and for this one lapse he has remained in custody for almost two years.

3. Prayer is strenuously opposed by Mr. Handa, Standing counsel for CBI, who has argued that earlier the charge was under Sections 364, 386 read with Section 120B IPC. It has now been converted into Section 302 IPC and as there are serious allegations against the petitioner and his coaccused, one of them has

already been declared to be proclaimed offender, no leniency deserves to be shown to such a person keeping in view the glaring facts of the case that two minor children were kidnapped and stated to have been eliminated.

4. Without going into the merit of the controversy for the purpose of bail, I am of the view that as the petitioner's application for bail has primarily been declined on the ground that he absented on the date fixed and as noticed earlier for this fault he has remained in jail for almost two years. Keeping this in view and also the fact that the trial is yet to take a long time, I permit the petitioner to be enlarged on bail subject to his furnishing a heavy surety to the satisfaction of CJM, Ambala.