

‘Lovely and another Vs. State’  
BA 3581/19.

Present: Shri K.S.Bedi, Advocate for the accused-applicants.  
Ms.Ramneet Kaur, APP for the State with Ms.Rajinder Kaur,  
Advocate for the complainant.

This order of mine is aimed at disposal of an application under Section 439 Cr.P.C. filed by accused-applicants named Lovely and Kumar both sons of Shri Hazari whereby they have come up with a prayer for their release on regular bail in case FIR No.273 dated 23.1.2018 under Section 498A/406/120-B of IPC registered with the police of P.S.City, Tarn Taran.

Upon notice of the application, records of the case have been produced before me which I have perused carefully. The challan file pending before the Court of learned Chief Judicial Magistrate, Tarn Taran has also been requisitioned and perused by me. Learned counsel for the accused-applicants and learned APP for the State have also been heard by me.

As it emerges out of records, the accused-applicants in this case were arrested on 23.9.2019 and ever since then they are cooling their heels behind the bars. Their bail application has been dismissed by the learned trial court on the ground that they were declared proclaimed offender in the case. On perusal of the records, it has however emerged out that after FIR in the case was registered, the investigating agency sought issuance of warrants against the accused-applicants by moving an application that the accused-applicants were not traceable and the process continued for about 2 months but the investigating agency time and again put forth the same plea that the accused-applicants were not traceable and ultimately when proclamation against the accused-applicants was issued and they were declared proclaimed offender on 19.9.2019, the investigating agency thereafter immediately laid their hands over the accused-applicants and arrested them on 23.9.2019 which does raise a question mark as to the role of the investigating agency in getting the accused-applicants declared as proclaimed offenders so as to ensure their custody for the maximum possible period.

Nevertheless, without commenting further in this regard and keeping in view the fact that the accused-applicants are in custody for the last more than 2½ months and conclusion of trial is likely to take a long time and

their further custody not likely to serve any purpose, I am of the considered view that the accused-applicants do deserve the concession of regular bail.

Consequently, the bail application under consideration is allowed and both the accused-applicants Lovely and Kumar are hereby ordered to be released from custody on their furnishing personal bonds in the sum of ₹50000/- with one surety in the like amount, to the satisfaction of the learned Ilaqa/Duty Magistrate. Summoned file be returned to the court concerned and papers of bail application, be consigned to the Record Room.

Pronounced:  
17.12.2019.

(Charanjeet Arora)  
Additional Sessions Judge, Tarn Taran  
(UID No.PB0178)