

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

**CRM-M-13789 of 2015
Date of Decision: 26.5.2015**

Sarwan Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Harpreet Singh Rakhra, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No. 14 dated 24.2.2011 under Section 61/1/14 of the Excise Act, Police Station Mullanpur, Garibdass.

Notice to the Advocate General, Punjab.

On the asking of the Court, Mr. Daljit Singh Virk, AAG, Punjab, accepts notice and files custody certificate dated 5.5.2015, which is taken on record.

Learned counsel for the petitioner submits that earlier, the petitioner was granted bail pending trial. However, he absented on 6.9.2013, because of which he was declared proclaimed offender. Thereafter, the petitioner approached this Court for setting aside the order declaring him proclaimed offender by way of CRM-M-2386 of 2015 and the said case was disposed of by this Court, vide order dated 22.1.2015. In compliance of the abovesaid order dated 22.1.2015, petitioner surrendered before the learned trial court on 2.2.2015, but the learned trial court declined his bail application, vide

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order dated 3.3.2015. Petitioner is inside the jail for a period of 3 months and 21 days as per custody certificate dated 5.5.2015, filed today. He concluded by submitting that petitioner has suffered enough for one default on his part. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Tarsem Lal, P.S. Mullanpur, Garibdas, submits that since the petitioner remained proclaimed offender for a period of about 1 year and 6 months, present petition is liable to be dismissed. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that since the petitioner is inside the jail for the last more than 4 months, he is entitled for the concession of bail pending trial.

Without commenting anything further on the merits of the case, lest it should prejudice the rights of either of the parties, present petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial court.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

26.5.2015
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