

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2540-2015 (O&M)
Date of Decision: February 20, 2015

Lakhbir Singh @ Lakhi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Gurbir Singh Toor, Advocate,
for the petitioner.

Mr. Shilesh Gupta, Addl. AG, Punjab,
for the respondent.

Mr. Sunil Chadha, Senior Advocate, with
Mr. Kirpal Singh, Advocate,
for the victim – Harbhajan Singh.

NARESH KUMAR SANGHI, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner, Lakhbir Singh @ Lakhi, son of Mangat Singh, resident of village Daad, Police Station, Sadar, Ludhiana, who has been booked for having committed the offences punishable under Sections 120-B, 342, 365 and 506, IPC, in a case arising out of FIR No. 66, dated 15.4.2009, registered at Police Station, Sadar, Ludhiana.

Learned counsel contends that on 30.7.2014, during course of trial an application was moved by the petitioner for grant

of exemption from personal appearance before learned Trial Court, but the same was not accepted and the bail bonds were forfeited to the State and the petitioner was ordered to be summoned through non-bailable warrants. Dis-satisfied with the said order, the petitioner filed Criminal Revision No. 2663 of 2014 before this Court, which was disposed of vide order dated 12.9.2014 (Annexure P-2) while making the following observations:-

“ Without issuing notice to the other party as it will not only cause delay to the trial but unnecessary expenditure would be there by the other party in engaging the lawyer, the present revision petition is disposed of with a direction that in case, the petitioners appear before the trial court on or before 25.09.2014, they shall be released on interim bail to the satisfaction of the trial court and the trial court may impose any conditions as it deems fit subject to payment of costs of Rs. 10,000/- each to be deposited with the trial Court by way of draft, which shall be paid to the complainant.”

Learned counsel for the petitioner further contends that on 17.9.2014, the petitioner was arrested in yet another case arising out of FIR No. 145, dated 19.7.2012, for the offences punishable under Sections 18, 28 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station,

Division No. 5, Ludhiana, and he was lodged in the Central Jail, Ludhiana, and as such, he (petitioner) could not appear before the learned Trial Court on or before 25.9.2014. He further submits that the petitioner had brought the said fact to the notice of the jail authorities and, as such, he was produced before learned Trial Court. Thereafter the petitioner moved a fresh application for bail before the learned Trial Court, which was dismissed vide order dated 4.11.2014 (Annexure P-3).

Learned counsel for the State has not controverted the above factual submissions made by learned counsel for the petitioner.

Mr. Sunil Chadha, learned senior counsel representing the victim, Harbhajan Singh, submits that after his (petitioner) arrest on 17.9.2014 in a case arising out of FIR No. 145, dated 19.7.2012, the petitioner should have informed the learned Trial Court with regard to his arrest before the deadline fixed by this Court. He further submits that even the costs imposed by this Court while disposing of Criminal Revision No. 2663 of 2014, has not been deposited by the petitioner and, as such, he is not entitled to bail in view of the order passed by this Court while exercising the revisional jurisdiction.

I have heard learned counsel for the parties and with

their able assistance gone through the material available on record.

While disposing of Criminal Revision No. 2663 of 2014 vide order dated 12.9.2014 by the Coordinate Bench, it was ordered that the petitioner would appear before the learned Trial Court on or before 25.9.2014 and be enlarged on bail subject to his furnishing fresh bail bonds. It was also directed that the petitioner would pay Rs. 10,000/- (Rupees Ten Thousands only) by way of costs, to be paid to the complainant. Concededly, the petitioner was arrested on 17.9.2014 in yet another case, therefore, he was not in a position to appear before learned Trial Court on or before 25.9.2014. The order forfeiting his bail bonds has been modified by this Court while allowing Criminal Revision No. 2663 of 2014 and thereafter he (petitioner) has not flouted any order, therefore, this Court is of the considered view that dismissal of the subsequent bail application by the learned Trial Court vide its order dated 4.11.2014 (Annexure P-3) is not justified.

In view of above, the present petition is allowed. The petitioner, Lakhbir Singh @ Lakhi, son of Mangat Singh, resident of village Daad, Police Station, Sadar, Ludhiana, is ordered to be released on bail during the pendency of the trial of the present case, subject to his furnishing of bail bonds to the satisfaction of

the learned Trial Court. It is made clear that the petitioner has to comply with the order dated 12.9.2014, passed by this Court in Criminal Revision No. 2663 of 2014 with regard to payment of costs before he is actually released from jail.

At this stage, learned senior counsel for the victim has produced a copy of the order dated 25.7.2014, passed by a Coordinate Bench of this Court in CRM-M-13012-2013, titled as “Harbhajan Singh v. State of Punjab and others”, directing the learned Trial Court to make all efforts to conclude the trial preferably on or before 30.7.2014 or within one month thereafter. Learned senior counsel submits that in view of changed circumstances, learned Trial Court may once again be directed to conclude the trial in a time bound manner.

In view of above, it is directed that the learned Trial Court shall now conclude the trial within three months of passing of this order.

February 20, 2015
P Kapoor

(NARESH KUMAR SANGHI)
JUDGE