

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

CRM-M-29520-2015

Date of decision: 08.09.2015

Rajvir Singh @ Dhanna**... Petitioner****Vs.****State of Punjab****... Respondent****CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK**

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

Mr. K.D. Sachdeva, Addl. AG, Punjab.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.74 dated 10.05.2012 under Sections 307, 427, 447, 511, 506, 148, 149 IPC and Sections 25, 27, 54, 59 of Arms Act, registered at Police Station City Khanna, District Ludhiana.

Learned counsel for the petitioner submits that petitioner was on bail and had been regularly appearing before the learned trial Court. However, because he was sought to be falsely implicated in another FIR No.26 dated 02.02.2014, he absented from the proceedings of the Court, in the present case. Finally, petitioner was declared innocent in FIR No.26 dated 02.02.2014. This was the reason that petitioner, in the meantime, came to be declared as proclaimed offender. He has surrendered before the learned trial Court in compliance of the order dated 21.05.2015 passed by this Court. He concluded by submitting that petitioner has suffered enough

for his mistake and undertakes not to absent again from the Court proceedings. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Gurdeep Singh, Police Station City Khanna, District Ludhiana, submits that petitioner was declared proclaimed offender. Thereafter, he did not surrender before the Court but was directed by this Court to surrender and only thereafter, he surrendered. He further submits that because of the conduct of the petitioner, he is not entitled for the concession of bail because he may again absent from the Court proceedings, causing avoidable delay in the trial. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length, 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 in the changed circumstances, petitioner has been found entitled for bail pending trial. It is so said because the petitioner has already suffered for his mistake of absenting from the Court proceedings. Although registration of abovesaid FIR No.26 dated 02.02.2014 was not a valid ground for the petitioner to remain absent from the Court proceedings in the present case, yet petitioner is inside the jail for the last about three months, after having surrendered. Further, it has been undertaken on behalf of the petitioner that in future he will not absent from the Court proceedings and will keep on attending the Court proceedings on

every date so as to ensure that there is no delay caused on the part of the petitioner.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, instant 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

08.09.2015
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