

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

CRM-M-39991-2015

Date of decision: 04.12.2015

Gurmail Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Surinder Garg, Advocate
for the petitioner.

Mr. Daljit Singh Virk, AAG, Punjab.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.83 dated 16.07.2002 under Sections 457, 380 IPC, registered at Police Station City Malout, District Sri Muktsar Sahib.

Learned counsel for the petitioner submits that co-accused of the petitioner have already been acquitted by the learned trial Court vide judgment (Annexure P-2). Although petitioner remained proclaimed offender for quite some long time but now he has surrendered before the learned trial Court and is inside the jail for the last more than one month. He also submits that marriage of the petitioner is scheduled to be held on 11.12.2015. Learned counsel for the petitioner would next contend that the petitioner will appear on each and every date of hearing before the learned trial Court. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from HC Prem Kumar, Police Station City Malout, Sri Muktsar Sahib,

submits that since the petitioner remained proclaimed offender for a long time, he is not entitled for the concession of bail, at this stage. He prays for dismissal of the present petition.

After hearing the learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that keeping in view the totality of facts and circumstances of the case, noticed hereinabove, petitioner has been found entitled for bail pending trial. He is inside the jail for the last more than one month and has suffered for the mistake committed by him. Further, it has been undertaken on behalf of the petitioner that he will continue to appear on each and every date of hearing before the learned trial Court.

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/Duty Magistrate.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

04.12.2015
vishnu