

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-8090 of 2015

Date of Decision: 6.4.2015

Mandeep Singh alias Mannu and Another

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Darshan Singh.

Present: Mr. Dhirinder Chopra, Advocate
for the petitioners.

Mr. Neeraj Yadav, Assistant Advocate
General, Punjab for the respondent.

Darshan Singh, J.

1. The present petition has been filed by the petitioners, namely Mandeep Singh alias Mannu and Veer Singh alias Babbu for grant of regular bail in case FIR No. 12 dated 27.1.2013, registered under Sections 399 & 402 of the Indian Penal Code, 1860 at Police Station Mehna, District Moga.

2. Both the petitioners were facing trial in the Court of Sessions Judge, Moga. They were on regular bail. But on 21.11.2014, they could not appear before the trial Court. Their bail was cancelled and non-bailable warrants of arrest were issued against them. However, they surrendered in the trial Court on 23.1.2015 and since then they are in custody. Their application for grant of bail was dismissed by the Court of Sessions Judge, Moga. Hence, this petition.

3. Learned counsel for the petitioners pleaded that the petitioners could not appear in the trial Court on 21.11.2014 as they had met with

an accident. The medical documents have also been placed on record.

4. Learned State counsel pleaded that these types of medical documents can be easily procured.

5. I have duly considered the aforesaid contentions.

6. This fact is not disputed that earlier both the petitioners were on bail and had been attending the trial Court. It has been alleged by learned counsel for the petitioners that while they were going on the scooter to attend the Court on 21.11.2014, they had met with an accident and had received the injuries. Due to this reason, they could not appear before the trial Court on the date fixed. This fact is also not disputed that both the petitioners have surrendered themselves before the trial Court on 23.1.2015 and since then they are in custody. Thus, no useful purpose will be served by further detaining them in jail as the conclusion of the trial will take time and not even a single witness has been examined so far.

7. Thus, the present petition is hereby allowed and both the petitioners are ordered to be released on bail to the satisfaction of the trial Court. The trial Court shall be at liberty to decide as to whether the proceedings under Section 446 of the Code of Criminal Procedure, 1973 are to be taken or not against the petitioners.

(Darshan Singh)
Judge

April 6, 2015
"DK"