

226 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M No.34126 of 2016

Date of decision :30.09.2016

Toni

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE A.B.CHAUDHARI

Present: Mr.S.S.Goraya, Advocate for the petitioner.

Ms.Rimplejeet Kaur, AAG, Punjab.

A.B.CHAUDHARI, J. (Oral)

Heard learned counsel for the rival parties.

What is under challenge is the order dated 02.09.2016 by which the bail application filed by the petitioner in FIR No. 35 dated 25.02.2013, under Section 61/1/14 of Punjab Excise Act was rejected by the learned Sessions Judge, Pathankot.

It is not in dispute that the challan was presented on 23.05.2013 and further that the trial Court tried to secure the presence of petitioner-Toni but he did not appear before it for a period of about 3 years. Thereafter he was declared a proclaimed offender by order dated 15.03.2016 and now he has been arrested and is in jail since 16.06.2016.

In view of the above facts no fault can be found with the orders made by the Court below but then looking to the nature of the offence namely under Section 61/1/14 of the Punjab Excise Act it will not be

desirable to curtail the liberty of the petitioner till the trial is completed as the trial will take its own time moreso because counsel for the petitioner, on instructions from his client, makes a statement that the petitioner would appear before the trial Court with promptitude and co-operate in completing the trial.

In this view of the matter by way of one more chance the petitioner is granted bail in FIR No. 35 dated 25.02.2013, under Section 61/1/14 of Punjab Excise Act and he would furnish fresh bail bonds before the trial Court and also abide by such conditions as would be deemed fit and proper by the trial Court but subject to the petitioner depositing an amount of Rs. 25,000/- before the trial Court by way of cash.

Disposed of.

(A.B.CHAUDHARI)
JUDGE

September 30, 2016
sunita

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No