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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M No. 13565 of 2017  
Date of Decision: 03.05.2017

Jatinder Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present: Mr. Jatinder Singh Dadwal, Advocate,  
for the petitioner.

Mr. Shilesh Gupta, Additional A.G., Punjab.

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**RAJ MOHAN SINGH, J.(Oral)**

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No. 55 dated 01.04.2010, under Sections 454/380 I.P.C., registered at Police Station Division No. 2, District Ludhiana.

The FIR was registered at the instance of one Balwanti with the allegations that on 31.03.2010, she, after locking the room, left the place for work at about 10:00 a.m. When she returned to the house at about 5:30 p.m., the lock of the room was found broken and the petitioner was found

present inside the room. On being asked about the reason of coming to the room, he picked up V.C.D. Player make Universal and fled away from there.

After registration of the case, the petitioner was granted bail, however, he absented on 16.12.2011 and remained absent from the Court till 28.08.2014, i.e. the date on which he was declared as a proclaimed offender. The petitioner was arrested on 25.12.2016 and since then he is in custody.

Apparently, no independent FIR in terms of Section 174-A I.P.C. was registered against the petitioner.

Learned State counsel on instructions from A.S.I. Major Singh, at one point of time submitted that the supplementary challan is to be presented, but on verification of the facts, it has been submitted that since the challan had already been presented against the petitioner, therefore, there is no necessity of filing any supplementary challan, but the petitioner having flouted the order of bail does not deserve any concession of regular bail. The offence is triable by the Magistrate.

The petitioner was once granted regular bail, however, he misused the concession of bail and now he is in custody since 25.12.2016.

Having appeared before the trial Court, the intensity of the petitioner being a proclaimed offender stands diluted to some extent.

In my considered view, without adverting to the merits of the case, the petitioner can be enlarged on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be enlarged on regular bail, subject to his furnishing heavy bail bonds/ surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

May 03, 2017.

*Apurva*

**(RAJ MOHAN SINGH)  
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No