

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-179 of 2017

Date of Decision : 13.01.2017

Sandeep Singh @ Deepa

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Kirpal Singh Thakur, Advocate
for the petitioner.

Surinder Gupta, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 117 dated 27.06.2011 registered for offences punishable under Sections 383, 364 read with Section 34 IPC, at Police Station Sarabha Nagar, District Ludhiana.

Heard.

Notice of motion.

On asking of the court, Ms. Bhavna Gupta, DAG, Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with her.

Petitioner is facing trial in the instant FIR before the Additional Sessions Judge, Ludhiana. The petitioner absented during trial on 11.11.2016 and surrendered in the Court on 03.12.2016 and is in custody since then.

Learned counsel for the petitioner submits that absence of the petitioner was due to death of his grandfather and was not intentional. He has surrendered in the Court of his own.

Learned State counsel submits that the petitioner earlier also remained absent and was declared proclaimed offender. His presence was procured by issuance of production warrants on 17.10.2015 and he was allowed benefit of regular bail on 23.12.2015. As the petitioner is habitual of remaining absent he should not be allowed benefit of regular bail.

On giving a careful thought to submissions of learned counsel for the petitioner and learned State counsel and keeping in view the fact that petitioner has surrendered in the Court of his own on 03.12.2016 i.e. within a period of about four weeks and has also given reasons for his remaining absent, the present petition is allowed. Petitioner-Sandeep Singh @ Deepa is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- a. The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- c. He shall not leave the country without the previous permission of the Court.

January 13, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/Reasoned

Yes/No

Whether Reportable

Yes/No