

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-21049 of 2017
Date of Decision: 19.06.2017

Balwinder Singh

....Petitioner

VERSUS

State of Punjab and another

....Respondents

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Yogesh Goel, Advocate
for the petitioner.

Mr. Deepal Goyal, Advocate
for respondent no. 2.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.72 dated 21.04.2007 registered for offences punishable under Sections 420, 467, 468 and 471 of Indian Penal Code (for short, "IPC") at Police Station Sahnewal, District Ludhiana.

Heard.

Notice of motion.

On asking of the court, Mr. Anil Sharma, Addl.AG, 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 him.

After being declared proclaimed offender on 31.01.2012, the petitioner was arrested on 28.12.2016 and is in judicial custody since then.

Learned State counsel submits that challan has been presented

against the petitioner and trial is in progress.

Learned counsel for the petitioner submits that the petitioner has entered into a compromise with complainant, copy of which has been placed on record as Annexure P-3.

Learned counsel appearing for respondent no. 2 endorses the submissions made by learned counsel for the petitioner.

Learned State counsel, however, submits that the offence in this case is against the State, as such, the compromise with complainant, is not permissible.

In view of above but without commenting upon the compromise and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Balwinder Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

June 19, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No