

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM No.M-31242 of 2017
Decided on: 30.08.2017**

Major Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. J.S. Jaidka, Advocate
for the petitioner.

Mr. K.S. Sidhu, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.291 dated 29.12.2014, for offence punishable under Sections 379 of the Indian Penal Code, 1860 (in short 'IPC') and 21 of the Mine and Mineral Act, registered in Police Station Sidhwan Bet, District Ludhiana.

Counsel for the petitioner submits that the petitioner was earlier granted anticipatory bail, however, on 09.07.2015, the petitioner failed to appear before the trial Court and was declared as proclaimed offender on 15.07.2016. The petitioner was arrested on 19.05.2017 and since then, he is in judicial custody. He further submits that the petitioner is not involved in any other case and on account of some miscommunication, he could not appear before the trial Court.

Counsel for the State, on instructions from ASI Nirmal Singh, has opposed the prayer for bail on the ground that the petitioner

may again misuse the concession of bail.

I have heard counsel for the parties, perused the paperbook and the records.

Without commenting anything on merits of the case and considering the fact that the petitioner is already in judicial custody for the last more than 03 months and 10 days and is not involved in any other case, the present petition is allowed and the petitioner is ordered to be released on bail on payment of costs of Rs.5,000/- to be deposited with the District Legal Services Authority, Ludhiana subject to his furnishing bail/surety bonds to the satisfaction of the trial Court. However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found involved misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

30.08.2017
yakub

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No