

223 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34158-2017(O&M)

Date of decision : 19.09.2017

Raj Kumar

..... Petitioner

versus

State of Punjab

..... Respondent

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

Present: Mr.Parvesh Sachdeva, Advocate for the petitioner.

Mr.Ramandeep Sandhu, Sr. DAG, Punjab.

A.B.CHAUDHARI, J. (Oral)

The petitioner has filed this petition under Section 439 Cr.P.C. seeking regular bail in case FIR No. 55 dated 07.06.2010, under Sections 409, 457, 380, 120-B IPC, registered at Police Station Sadar S.B.S.Nagar, District S.B.S.Nagar.

Heard learned counsel for the rival parties.

It is not in dispute that there are number of accused in the aforesaid FIR case and the petitioner remained absent for all the 7 years and was declared proclaimed offender as such. In the interregnum the trial Court held trial against the other accused persons and also delivered its judgment on 25.04.2017 recording the order of acquittal in their favour. The petitioner was arrested on 08.07.2017 and was produced before the Court in custody and since then he is in jail. It can be said that the petitioner was keeping an eye on the result of the prosecution that was being tried against the other accused persons.

Be that as it may, the fact remains that the petitioner has obstructed the trial and now a fresh trial has to be held against him incurring expenditure on the State. Balancing all the aspects of the matter, I think that the petitioner ought to deposit Rs. 25,000/- as a pre-condition for getting himself released on bail for facing the trial since he is responsible for holding of fresh trial against him.

In that view of the matter, the following order is passed:-

ORDER

- i) CRM-M-34158 of 2017 is allowed.
- ii) The petitioner shall be released on bail in FIR No. 55 dated 07.06.2010, under Sections 409, 457, 380, 120-B IPC, registered at Police Station Sadar S.B.S.Nagar, District S.B.S.Nagar, subject to deposit of Rs. 25,000/- payable to the State of Punjab for depositing the same with the trial Court which shall be a pre-condition. Thereafter the trial shall proceed.

**(A.B.CHAUDHARI)
JUDGE**

September 19, 2017
sunita

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