

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

**CRM No.M-36217 of 2017
Decided on: 07.11.2017**

Daljeet Singh

....Petitioner

Versus

State of U.T., Chandigarh

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. K.S. Dadwal, Advocate
for the petitioner.

Mr. Anil Kumar Lamdharia, Addl. P.P., U.T., Chandigarh.

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.191 dated 01.10.2001, for offence punishable under Sections 406, 420, 120-B of Indian Penal Code (in short 'IPC') and 24 of the Immigration Act registered at Police Station Sector 19, Chandigarh.

Counsel for the petitioner has submitted that the petitioner was declared as proclaimed offender vide order dated 28.03.2002 by the trial Court and later on, challan was presented on 06.09.2002. The petitioner was again arrested and granted regular bail by the trial Court on 18.01.2007 and thereafter, charges were framed on 04.07.2007. The petitioner again absented on 19.12.2007 and was again declared proclaimed offender vide order dated 14.07.2011. The petitioner is now again arrested on 08.05.2017 and is in judicial custody. Counsel for the petitioner has further submitted that in another FIR No.191 dated 28.06.1997 registered under Sections 420 IPC and 24 of the

Immigration Act, at Police Station Sector 17, Chandigarh, where the petitioner was also declared as proclaimed offender. The trial Court has granted regular bail vide order dated 21.07.2017 after considering the length of custody.

It is further submitted that the petitioner is ready to furnish heavy surety and the offences are triable by the Court of Magistrate and the petitioner is in judicial custody since 08.05.2017 i.e. for a period of about 06 months.

On the other hand, counsel for the State appearing for the U.T., Chandigarh has opposed the prayer for bail on the ground that the petitioner has been declared as proclaimed offender on 02 occasions.

Considering the fact that since the petitioner is in judicial custody from 08.05.2017 and has been granted regular bail by the trial Court in another similar FIR, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds and 02 surety bonds to the satisfaction of the trial Court and on payment of costs of Rs.25,000/- to be deposited with the District Legal Services Authority, U.T., Chandigarh. The payment of costs shall be the pre-condition before accepting the bail/surety bonds. 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

07.11.2017
yakub

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