

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

**CRM No.M-36607 of 2017
Decided on: 10.11.2017**

Ajaib Singh @ Jaiba @ Bada

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Naveen Sharma, Advocate
for the petitioner.

Mr. Amandeep S. Gill, Sr. 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.240 dated 11.12.2012, for offence punishable under Sections 379 and 413 of Indian Penal Code (in short 'IPC') registered at Police Station Division No.2, Ludhiana.

Counsel for the petitioner has submitted that the FIR related to the year 2012 and the petitioner was granted regular bail, however, later on he absented on 10.02.2016, when he was involved in another FIR No.117 dated 12.06.2015. The petitioner was, thereafter, declared as proclaimed offender by the trial Court on 26.10.2016 and was re-arrested in this case on 05.04.2017. It is further submitted that the petitioner is in judicial custody for the last more than 07 months and subsequent to his re-arrest, no prosecution witness has been examined. Counsel for the petitioner has further submitted that the complainant has already been examined on 23.09.2014 when the petitioner was on

bail.

Counsel for the State, on instructions from HC Avtar Singh, has not disputed the factual position, however, submits that out of 05 proceedings witnesses, 04 have already been examined and the next date of hearing before the trial Court is 28.11.2017 when only a formal witness is to be examined.

Considering the fact that the petitioner is in judicial custody for the last about 07 months and the complainant has already been examined and also in view of the fact that the petitioner was facing trial since 2012 till 2016 when he was arrested in another FIR and was declared as proclaimed offender, the present petition is allowed and the petitioner is ordered to be released on bail 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

10.11.2017
yakub

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