

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

**CRM-M No.38182 of 2017
Date of Decision : 16.11.2017**

Swaran Singh @ Heera

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Prashant Vashisth, Advocate
for the petitioner.

Mr. Luvinder Sofat, Asstt. Advocate General, Punjab
for the respondent-State.

SUDIP AHLUWALIA, J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure seeking regular bail on behalf of the petitioner in case FIR No.106 dated 28th June, 2012, registered under Sections 399/411 of the Indian Penal Code at Police Station Shimlapuri, District Ludhiana City.

The petitioner was originally on bail. Challan was presented on 22nd March, 2013. Over three years later however, as noted by the Ld. Additional Sessions Judge, Ludhiana in the impugned order dated 27th September, 2017, the petitioner

absented from the proceedings in the Ld. Trial Court on 3rd October, 2016. He was consequently declared a Proclaimed Offender on 15th March, 2017, and was ultimately apprehended on 19th July, 2017. The ground made out in the present petition to justify his absence from the Ld. Trial Court is that he was under “misconception” about the pending proceedings, and that his absence was not willful or intentional.

Be that at it may, considering that since his re-arrest, the present petitioner, namely Swaran Singh @ Heera has remained in detention for almost 04 months now, he may at this stage be released on bail to the satisfaction of the Ld. Trial Court concerned, which may impose appropriate terms & conditions to ensure his presence herein after.

Disposed off.

November 16, 2017

Dpr

**(SUDIP AHLUWALIA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable : Yes/No