

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

**Crl. Misc. No.M-41333 of 2017 (O&M)
Date of Decision: November 08, 2017.**

Harpreet Singh @ Happy

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. J.S.Dadwal, Advocate
for the petitioner (s).

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.173 dated 02.08.2011 registered for the offences punishable under Sections 392 read with Section 34 of Indian Penal Code at Police Station Focal Point, Ludhiana City.

Heard.

Notice of motion.

On asking of the court, Mr. C.L.Pawar, Sr. DAG, Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

Learned counsel for the petitioner submits that petitioner had been regularly appearing in this case after the registration of the FIR on 02.08.2011. He was facing the ailment of depression, as such, could not

appear on 02.02.2017 and was declared proclaimed offender vide order dated 16.08.2017. Petitioner was arrested in this case on 31.08.2017 and since then he is in custody.

Learned State counsel submits that the petitioner had absented from the Court without any reason and was declared proclaimed offender which shows that he had misused the concession of bail allowed to him.

Keeping in view the period of his incarceration that he had been regularly appearing in this case for a long period of about six years and trial is at initial stage as only one witness has been examined so far, the present petition is allowed. Petitioner Harpreet Singh @ Happy is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned subject to following terms:-

- a. The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- c. He shall not leave the country without the prior permission of the Court.

(SURINDER GUPTA)
JUDGE

November 08, 2017
Jyoti-II

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>