

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-42608 of 2016
Date of Decision: 17.04.2017

Jagsir Singh @ Seera

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Kamalpreet Bawa, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

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. 95 dated 15.05.2012 registered for offences punishable under Sections 379, 411, 413, 420, 465, 467, 468, 471 of Indian Penal Code (for short, "IPC") at Police Station City Moga, District Moga.

Heard.

The petitioner was earlier on bail in this case but he absented before the trial Court without intimation. This fact also came to notice while declining his bail vide order dated 29.09.2016 passed by Additional Sessions Judge, Moga that petitioner had escaped from police custody in the year 2012.

The petitioner was arrested on 17.12.2014 and is in judicial custody since then. The trial has not been completed so far.

Learned State counsel submits that in all there are 18 cases registered against the petitioner out of which 12 FIRs were registered for

offence punishable under Section 379 IPC.

Learned counsel for the petitioner submits that out of 12 cases registered against petitioner on the allegation of commission of theft levelled by co-accused, he has already been acquitted in 8 cases and the trial of other cases is still pending and he is on bail in all those cases.

Petitioner is in custody for the last about 28 months. His trial has not concluded. Pendency of other cases and the allegation that he escaped police custody are not the circumstances to deny him bail for all times to come.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Jagsir Singh @ Seera is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 previous permission of the Court.

April 17, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No