

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-42269 of 2017
Date of Decision: 16.11.2017

Nishan Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Malkeet Singh, Advocate
for the petitioners.

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.69 dated 26.04.2010 registered for offences punishable under Sections 395, 347 and 506 of Indian Penal Code (for short, "IPC") at Police Station Chheharta, District Amritsar.

Heard.

Notice of motion.

On asking of the court, Mr. Sandeep Kumar, 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.

The petitioner has absented before the trial Court in this case on 11.01.2017. The instant FIR was registered on 26.04.2010. The petitioner was declared proclaimed offender vide order dated 15.05.2017. He was arrested on 21.06.2017 and is in custody since then.

Keeping in view the period of incarceration of petitioner after

his arrest and that trial is still pending, the present petition is allowed. Petitioner-Nishan Singh 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

November 16, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No