

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

CRL. MISC. No.M-43355 OF 2017
DATE OF DECISION : 12th DECEMBER, 2017

Gurjant Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. P. S. Punia, Advocate for the petitioner.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed this petition under Section 439 Cr.P.C. seeking regular bail in FIR No.114 dated 19.08.2009 registered under Sections 419, 420, 465, 467, 468, 471 & 120-B IPC at Police Station Bassi Pathana, District Fatehgarh Sahib.

Notice of motion.

Mr. Ramandeep Sandhu, Sr. D.A.G. Punjab accepts notice on behalf of the State.

Rule.

Heard forthwith with consent of counsel for the rival parties.

The petitioner is being prosecuted in the aforesaid FIR. The petitioner was earlier arrested on 20.08.2009 and was released on bail on 19.11.2009. The challan was filed. He was supposed to attend the trial Court regularly. However, he chose to disappear in 2013 and remained away from the Court proceedings and was declared proclaimed offender on 29.09.2014. He was rearrested on 21.01.2017. The reason given by the

petitioner for his long absence is about the illness of his mother, which has been disbelieved by the trial Court.

I have perused the FIR in which he is being prosecuted. The FIR shows that Amrik Singh and Vinod Kumar along with some unknown persons (perhaps the petitioner) had obtained a loan of ₹13,00,000/- from Malwa Gramin Bank by showing the land belonging to the nephew of the complainant. Secondly, the case is triable by the Magistrate. The case relates to the year 2009 and looking to the fact that no useful purpose will be served in putting the petitioner behind bars at such a late stage in a case triable by the Magistrate, particularly because the petitioner is ready to give undertaking that he would hereinafter appear before the trial Court and attend the trial with promptitude for early disposal of the criminal case against him, I think the petitioner should be given a chance to be at liberty. However, subject to some costs. In the result, I make the following order:

ORDER

- (i) Rule is made absolute.
- (ii) CRL. MISC. No.M-43355 OF 2017 is allowed.
- (iii) The petitioner be released on furnishing fresh bail bonds to the satisfaction of the concerned CJM/Duty Magistrate. The bail of the petitioner will be subject to deposit of costs non-refundable amount of ₹5,000/- with the Court as a pre-condition, which shall be forfeited to the State.
- (iv) The petitioner shall file an undertaking as aforesaid within a period of two weeks from the date of his release that he shall

continue to appear before the trial Court with promptitude
till the completion of trial.

- (v) Any further failure on the part of the petitioner shall result
into taking him in custody by the trial Court.

12th DECEMBER, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

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