

CRM-M-44881-2016

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

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Date of Decision: 31.05.2017

Balvir Singh alias Balbir Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. C.L.Verma, Advocate,
for the petitioner.

Mr. V.P.S.Sidhu, AAG, Punjab.

INDERJIT SINGH, J.

Petitioner-Balvir Singh alias Balbir Singh has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.06 dated 16.01.2007, registered at Police Station Dasuya, District Hoshiarpur, under Sections 406 and 420 of the Indian Penal Code.

Notice of motion was issued in this case. Learned State counsel put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

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From the record, I find that the petitioner is a proclaimed offender in a case of cheating. He is alleged to have received money from the complainant to send him abroad. His first application for pre-arrest bail was dismissed in the year 2007 mainly on the ground that he was declared a proclaimed offender. As stated in the interim order dated 20.12.2016 by a Coordinate Bench of this Court, the petitioner is apparently a patient of bone cancer and he pleaded that on account of his ailment, he could not appear before the trial Court and also produced treatment history on the record. It is also written in the order dated 20.12.2016 that matter has been compromised with the complainant and a petition for quashing of FIR on the basis of compromise had also been filed which was dismissed only for the reason that the petitioner is a proclaimed offender. In the circumstances of this case, the Coordinate Bench granted interim bail to the petitioner directing him to appear before the Chief Judicial Magistrate/Illaq Magistrate on or before 14.01.2017 and on doing so, he shall be released on interim bail to the satisfaction of the said court.

In pursuance of the interim order dated 20.12.2016, the petitioner has already appeared before learned Chief Judicial Magistrate and has been released on interim bail, as stated. Now, the petitioner has only to face the trial.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find that trial of the case will take a long time and, therefore, no useful purpose will be served by

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sending the petitioner to custody especially when he is suffering from bone cancer. Therefore, finding merit in this petition, the same is allowed. The order dated 20.12.2016, granting interim bail to the petitioner, is made absolute.

31.05.2017
parveen kumar

(INDERJIT SINGH)
JUDGE

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No