

236

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

CRM-M-46761 of 2017

Date of decision: December 13, 2017

Mukesh Kumar @ Vicky Sharma

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Ms. Amarjit Kaur Khurana, Advocate for the petitioner.

Mr. Dhruv Dayal, Sr. DAG Punjab.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

Petitioner seeks grant of regular bail in FIR No.58 dated 19.03.2014, under Sections 25, 54, 59 of Arms Act, 1959, registered at Police Station City Khanna.

The offence alleged against the petitioner is of Arms Act in FIR in question. The petitioner was released on regular bail after filing of challan, on 13.05.2014 by the trial Court and he used to remain present before the Court during trial. However, he remained absent on 18.05.2017 and as a result, the trial Court cancelled his bail and issued the order declaring him proclaimed person. He was thereafter, arrested on 04.10.2017 and is again in jail since then. Learned trial Court observed that for the averments regarding illness of the petitioner due to viral fever, no medical evidence was produced before the Court.

Learned State counsel, on instructions from Assistant Sub

Inspector Gurcharan Singh, states that there is no other case against him.

In my opinion, there is no point in pushing the petitioner again in jail particularly when he was attending the trial Court for the last 3 years from 2014 to 2017. It is true that he did not produce any medical evidence on record, but then that by itself would not be sufficient to deny the relief of bail when he was already released on regular bail in 2015 itself.

Learned counsel for the petitioner makes a statement, on instructions that hereinafter, the petitioner would appear before the trial Court with promptitude and would not remain absent for completion of trial.

In that view of the matter, following order is passed:

ORDER

- (i) Petition is allowed;
- (ii) Petitioner shall remain on regular bail on the same bail bonds before the trial Court;
- (iii) Petitioner shall attend the trial with promptitude;
- (iv) Liberty to the trial Court to take the petitioner in custody in case he absent himself before it during trial.

(A.B. CHAUDHARI)
JUDGE

December 13, 2017

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No