

CRM-M-6204-2017 (O&M)

[1]

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

(Sr. No.216)

CRM-M-6204-2017 (O&M)

Date of Decision:-March 30, 2017

Sikandar @ Kali

.....Petitioner

V/S

State of Punjab

.....Respondent

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

Present : Mr. Naveen Sharma, Advocate,
for the petitioner.
Ms. Rajni Gupta, Addl. A.G. Punjab.

A.B. Chaudhari, J. (Oral)

CRM-10973-2017

Application is allowed as prayed for and document Annexure
P-4 (colly) is taken on record.

CRM-M-6204-2017

In FIR No.96 dated 16.07.2012 registered under Sections
341/307/148 and 149 of Indian Penal Code, 1860 at Police Station Division
No.7, Ludhiana, District Ludhiana, the petitioner is facing trial. Undoubtedly,
the petitioner has taken the trial Court as well as the police machinery for a ride
by remaining absent in the trial Court in the pending trial. In that context, the
police was required to arrest him after he was declared proclaimed offender by
the trial Court. With efforts, finally, he was brought, before the trial Court and
now he is in jail from 18.08.2016.

Learned counsel for the State has opposed the petition for bail on
the ground that there are six more cases to the credit of the petitioner. Even if,
that is correct, this Court has to consider the merits of the present matter, as to
the nature of evidence against the petitioner and possibility of sentence which

he could be awarded in case of conviction. I have perused the FIR as well as MLR report and I find that the injuries appear to be simple in nature though said to have been caused by knife.

Prima facie, in my opinion there may not be any likelihood of his conviction for offence of attempt to commit murder. At any rate, the petitioner was on bail pending trial and as stated by learned counsel for the State, during his absconsion, he has committed one more offence. Nevertheless the petitioner was on bail and was declared proclaimed offender because he was absent in the trial. Looking to the nature of injuries as discussed above and the likelihood of conviction and sentence which can be awarded to him, I think, the petitioner should be given chance to be at liberty in the present case, but subject to the payment of costs in the sum of ₹25,000/- payable to the State of Punjab within four weeks from today.

In that view of the matter, the petitioner-Sikandar @ Kali is ordered to be released on bail pending trial on his furnishing fresh bail bonds and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned, by depositing ₹25,000/- as a precondition. The petitioner is directed to attend the trial with promptitude. It shall be strictly a last chance for the petitioner to remain on bail. The petitioner is directed to cooperate with the investigating agency and shall not tamper with the prosecution evidence or influence the prosecution witnesses. In case of further absconsion, the trial Court shall be entitled to take the petitioner in custody.

Disposed of.

March 30, 2017

Pankaj

(A.B. Chaudhari)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No