

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

**CRM No.M-7895 of 2017
Decided on: 14.03.2017**

Varinder Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Amandeep Saini, Advocate for the petitioner.

Mr. S.S. Gill, DAG, Punjab.

REKHA MITTAL, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.102 dated 20.12.2012, for offence punishable under Sections 406 and 498-A of the Indian Penal Code (in short 'IPC') registered in Police Station Behram, District SBS Nagar.

Counsel for the petitioner would submit that the petitioner absented from the proceedings pending trial before the Court below on 22.04.2015 but voluntarily surrendered before the Court on 12.08.2016 and since then he is in custody. It is further submitted that the petitioner is ready to face the proceedings without any default.

Counsel for the State has submitted that as the petitioner became absent from the proceedings, he was declared as a proclaimed person on 07.01.2016 but surrendered before the Court on 12.08.2016. It is further submitted that in view of conduct of the petitioner of remaining away from the judicial proceedings for a period of more than 01 year, he is not entitled to be released on bail.

I have heard counsel for the parties and perused the paperbook.

Be that as it may, the petitioner has been charged for committing offence arising out of marital disharmony. He is in custody for the past more than 07 months. He has already suffered enough for his alleged misconduct of absenting from the proceedings for a period of over 01 year. However, it is conceded that he surrendered voluntarily.

Counsel for the State has apprised that only 02 witnesses out of 10 cited by the prosecution have been examined. Conclusion of the trial is likely to take its own time, without commenting upon merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of the trial Court. However, he shall abide by the following conditions:-

- (i) He shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and*
- (ii) He shall not leave India without the previous permission of the Court.*

It is clarified that the trial Court would direct furnishing surety of higher amount so that the petitioner does not abscond again.

14.03.2017
yakub

(REKHA MITTAL)
JUDGE

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