

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

Hemlata
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CRM-M-16075-2018(O&M)

Date of decision: 25.04.2018

Rohit

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Karan Padam, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') is for grant of regular bail to the petitioner in case FIR No. 64 dated 17.05.2017 under Sections 399, 402 of IPC, registered at Police Station Ladhawal Ludhiana City.

Learned counsel for the petitioner submits that earlier the petitioner was granted regular bail and he was facing the trial. However, the petitioner was arrested in FIR No. 256 dated 14.11.2017 under Section 379-B(2) IPC on 28.11.2017 and thereafter, he was granted regular bail vide order dated 22.02.2018 passed by the Additional Sessions Judge, Ludhiana in FIR No. 256 (Annexure P-1). It is further submitted that on this account, the petitioner could not appear before the trial Court in the present FIR on 18.12.2017 when the date was fixed and later on, he was declared a proclaimed offender on 19.02.2018. Counsel for the petitioner further submits that since the petitioner was in judicial lock up in FIR No. 256 from 28.11.2017 to 22.02.2018, both the dates i.e. 18.12.2017 when he absented before the trial Court and 19.02.2018 when he was declared a proclaimed

offender, he was in judicial lock up. It is further submitted that the petitioner was re-arrested in this case on 12.03.2018 and is facing the trial. Learned counsel for the petitioner further submits that on account of this reason, the petitioner could not appear before the trial Court.

Learned State counsel has not disputed the factual position.

Without commenting on the merits of the case and considering the fact that the petitioner is in judicial lock up since 12.03.2018; conclusion of the trial will take long time and therefore, no purpose will be served by keeping the petitioner behind the bar, the petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/ two heavy sureties, out of which one surety should be a local surety, to the satisfaction of the trial Court/Illaqa Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case or found misusing the concession of bail.

(ARVIND SINGH SANGWAN)
JUDGE

25.04.2018

Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No