

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-18944 of 2018
Date of Decision: 10.05.2018

Gurmail Singh Cheema

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Satwinder Kaur, Advocate
for Mr. K.S. Sandhu, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.120 dated 02.10.2012 registered for offence punishable under Section 420 read with Section 120-B of Indian Penal Code (for short, "IPC") at Police Station Model Town Ludhiana, District Ludhiana.

Heard.

Notice of motion.

On asking of the court, Ms. Monika Jalota, DAG, Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with her.

Learned counsel for petitioner submits that allegation against the petitioner is that he in connivance with his co-accused Jaswinder Kaur and Ram Kishan took money for sending son of complainant abroad. Both Jaswinder Kaur and Ram Kishan were arrested and challan against them was presented in Court. After conclusion of trial, they have since been

acquitted.

The petitioner was initially declared proclaimed offender in this case and has now been arrested on 15.02.2018 and is in judicial custody since then.

Keeping in view the fact that co-accused of petitioner have been acquitted and conclusion of trial against the petitioner will take considerably long time, the present petition is allowed. Petitioner-Gurmail Singh Cheema is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

May 10, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No