

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-21709-2018 (O&M)

Date of Decision:-09.07.2018.

Gajjan Singh ailas Gaja

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Gurinder Singh Hayer, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

P.B. BAJANTHRI, J. (Oral)

Petitioner has sought for regular bail in FIR No.50 dated 02.04.2016 (Annexure P-1) under Sections 279/337/338/427 IPC, registered at Police Station Dharamkot, Moga.

2.) Learned counsel for the petitioner submitted that petition is for bail of the offences which are bailable. Petitioner was granted bail and he remained absent on 26.10.2016. Consequently, on 23.11.2016 bail was cancelled. Thereafter, proclamation under the provisions of Sections 82/83 Cr.P.C. were initiated. Petitioner filed bail application and the same was rejected on 01.05.2018 by the Trial Court.

3.) Learned counsel for the petitioner submitted that only for remaining absent on a particular date, Trial Court proceeded to pass harsh order relating to cancellation of bail. He has also submitted that petitioner was arrested on 17.02.2018. Thereafter, his bail application has been rejected on 01.05.2018. Since the accused is involved in offences which are

bailable, therefore, petitioner is entitled to bail.

4.) On the other hand, learned State counsel while resisting the petitioner's contention, submitted that after obtaining bail, he remained absent for the proceedings on 26.10.2016. Thus, there is no infirmity in cancelling of bail and subsequently rejection of the petitioner's bail application. Police arrested accused after much efforts. Therefore, he is not entitled to bail.

5.) Heard learned counsel for the parties.

6.) Having regard to the fact that petitioner had been implicated for the bailable offences, he is entitled to bail. In fact, he has been granted bail. For not attending the Court on 26.10.2016, bail was cancelled by the Trial Court. Thereafter, he was arrested on 17.02.2018. Pursuant to his arrest, he had filed application for bail and it was rejected on 01.05.2018. As he is in custody since 17.2.2018, no useful purpose would be served by detaining the accused in the custody. In view of these facts and circumstances, petitioner is entitled to regular bail subject to the following conditions:-

(i) Petitioner shall not in any way indulge in any criminal activities and he shall also not influence the witnesses or otherwise interfere with the fair trial.

(ii) Petitioner shall also appear before the Station House Officer concerned on the last Saturday of every month.

7.) Petition stands allowed.

(P.B. BAJANTHRI)
JUDGE

July 09, 2018.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.