

207

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

CRM-M No.248 of 2018

Date of Decision: 03.04.2018

Mohinder Singh @ Babla

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Jaswinder Singh Grewal, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

1. Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.54 dated 19.05.2015, registered under Sections 382, 34 IPC at Police Station Nangal, Tehsil Sri Anandpur Sahib, District Rupnagar.

2. Earlier petitioner was on bail. Challan was presented on 08.01.2016.

3. Petitioner and co-accused Shinderpal Kaur @ Shindo did not appear. An application for exemption from personal appearance was moved by their counsel and the same was allowed for 08.01.2016. The case was adjourned to 29.01.2016.

On the adjourned date, petitioner and his co-accused

Shinderpal Kaur @ Shindo absented from the Court. The case was further adjourned to 04.03.2016 for awaiting their presence. Ultimately, on 04.03.2016 bail of the petitioner was cancelled. Personal bonds and surety bonds were forfeited to the State. Petitioner remained away from the Court till 12.05.2017 i.e. the date on which the petitioner was declared as proclaimed offender.

4. Petitioner was arrested on 30.09.2017 and since then, he is in judicial custody.

5. Learned State counsel has produced custody certificate showing period of custody to be 06 months and 01 day as on 02.04.2018.

6. Learned State counsel on instructions from ASI Balbir Singh submits that due to absence of the petitioner, the trial of the case was delayed unnecessarily.

7. Since the petitioner was granted bail during investigation, he absented from the Court on 29.01.2016 and was ultimately declared proclaimed offender on 12.05.2017 and thereafter, he was arrested by the police on 30.09.2017.

8. Keeping in view the previous status of the petitioner, in my considered opinion, regular bail can be granted to the petitioner.

9. In view of above, petition is allowed. Petitioner is ordered to be enlarged on bail, subject to his furnishing heavy bail bonds/surety bonds to the satisfaction of the trial Court.

10. Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

03.04.2018
jyoti

(RAJ MOHAN SINGH)
JUDGE

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