

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

**CRM-M-28517 of 2017 (O&M)
Date of Decision: February 19, 2018**

Jiwan Singh

...Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Kanwaljeet Singh Derabassi, Advocate
for the petitioner.

Mr. B.S. Sewak, Addl. A.G. Punjab.

FATEH DEEP SINGH, J.

The allegations against the petitioner in this second regular bail application under Section 439 Cr.P.C are that on 01.04.2013 a theft has taken place in the area of Police Station, Lalru in which the petitioner has been arrested and from him certain *kariyana* articles and money subject matter of theft were recovered. Subsequently, the petitioner was declared as proclaimed offender on 13.6.2014 and arrested on 02.1.2017 and, hence, the present application.

The contentions of the learned counsel for the petitioner that on account of death of father of the petitioner he could not appear in the Court and that he is the only bread winner of the family and has undergone substantial incarceration are sought to be opposed by learned State counsel on the grounds that the petitioner has earlier absconded and, if, allowed bail

he would again abscond.

Appreciating the submissions, no doubt the petitioner has remained away from the Court and evaded his appearance before the authority for a period of more than two years and nine month. However, keeping in view that recovery has already been effected and that the trial is not likely to be concluded in near future and in view the offences for which the petitioner has been charged, it would be travesty of justice to keep the petitioner behind the bars but to safeguard the interest of the State to ensure that petitioner would not abscond again, the petitioner is allowed regular bail subject to furnishing of heavy bail bonds with two sureties in the like amount to the satisfaction of the trial Court.

(FATEH DEEP SINGH)
JUDGE

February 19, 2018
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No