

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-33406 of 2018
Date of Decision: 10.08.2018

Jagmohan

....Petitioner

VERSUS

U.T. Chandigarh

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. Rajiv Sharma, APP, U.T. Chandigarh.

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.13 dated 27.01.2010 registered for offences punishable under Sections 420/120-B of Indian Penal Code (for short, "IPC") and 25 of Immigration Act, at Police Station Sector 11, Chandigarh.

Heard.

The petitioner was proclaimed offender and surrendered before the Court on 06.04.2018 and is in custody since then.

Learned counsel for the petitioner submits that trial is going on but whereabouts of complainant are not known and he is not appearing before the trial Court for the last three years as his wife is facing trial in this case.

Learned A.P.P., U.T. Chandigarh on instructions from SI Harbans Singh submits that police has tried to trace complainant but his whereabouts have not been traced so far.

Keeping in view above facts and period of incarceration of petitioner but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Jagmohan 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

August 10, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No