

S.No.213

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

CRM-M-34629 of 2018 (O&M)

Date of Decision:30.08.2018

Gurbhej Singh @ BhejuPetitioner

Vs.

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Narinder Lucky, Advocate
for the petitioner.

Mr. K.S. Aulakh, DAG, Punjab.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.83 dated 17.11.2013 registered under Sections 323, 325, 148 and 149 IPC at Police Station Rawalpindi, District Kapurthala.

Counsel for the petitioner contends that earlier the petitioner was released on bail in this case and was continuously appearing before the trial Court. However, in February, 2016, the petitioner could not appear, resultantly, he was declared proclaimed person. Challenging the order of declaring the petitioner to be proclaimed person, he has filed CRM-M-28530 of 2018. While passing order in that case, this Court had directed the petitioner to appear before the trial Court within two weeks and in case the petitioner so appear, the trial Court was directed to decide the bail application of the petitioner within two days. Accordingly, the petitioner appeared before the trial Court. However, the application for grant of bail filed by the petitioner has been dismissed by the trial Court on 13.07.2018.

Since then he is in custody.

On the other hand, learned counsel for the State submits that since the petitioner has remained proclaimed person and absented from the proceedings, therefore, the petitioner do not deserve any concession of bail pending trial.

Having heard counsel for the parties, this Court is of the view that since the order declaring the petitioner as proclaimed person is already under challenge and pursuant to the direction issued in that case only, the petitioner had appeared before the trial Court, therefore, it would not be unjustified if the petitioner is granted concession of bail pending trial.

In view of the above, but without commenting any further on merits of the case, the present petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Illaqa Magistrate.

August 30, 2018
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No