

Criminal Misc. No. M- 3667 of 2018 (O&M)

Date of decision : June 06, 2018

Balwinder Singh

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. F.S. Virk, Advocate
for the petitioner.

Ms. Bhavna Gupta, AAG, Punjab.

LISA GILL, J.

This the petitioner's second petition seeking bail pending trial in FIR No. 189 dated 22.06.2011 under Sections 406, 498A, 342, 323, 506 IPC registered at Police Station Sadar Patiala, District Patiala.

It is submitted that seven (07) persons were named in the above said FIR. Three (03) of them were found innocent during investigation. The petitioner was declared a proclaimed person on 20.02.2014. Rest of the three (03) accused were acquitted by the learned trial Court on 05.11.2014 as the complainant and other witnesses did not support the prosecution case. The petitioner filed CRM-M-12920-2015 seeking bail but the same was dismissed as infructuous on 31.07.2015 as the petitioner had surrendered before the learned trial Court and was afforded bail. It is submitted that the petitioner was appearing regularly before the learned trial Court but could not appear on 17.05.2016 and he was declared a proclaimed person on 01.05.2017. Learned counsel for the petitioner submits that the petitioner surrendered on 20.11.2017. The complainant, in this case, is not coming forward to depose before the learned trial Court. On 14.05.2018, the

complainant was present in Court but her statement was not recorded as she expressed that she was not feeling well and sought an adjournment. The complainant was bound down for the next date of hearing i.e. 24.05.2018 but she did not appear. She was summoned through bailable warrants for 04.06.2018. The complainant did not appear on 04.06.2018 and bailable warrants have been issued for securing her presence on 15.06.2018. It is contended that no offence punishable under Sections 406, 498A, 342, 323, 506 IPC is made out against the petitioner. The petitioner it is stated has also been involved in FIR No. 141 dated 03.08.2015 under Sections 341, 323, 34 IPC which was lodged at the instance of his wife. Moreover, the petitioner has been in custody since 20.11.2017. The petitioner undertakes to appear on each and every date fixed before the learned trial Court. It is, thus, prayed that this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the State while opposing this petition submits that the petitioner had abused the concession of bail earlier afforded to him, however, it is not denied that the co-accused in this case were acquitted as the complainant and other witnesses had turned hostile. It is further verified that the complainant appeared on 20.11.2017 but thereafter has not appeared despite issuance of bailable warrants. There are no allegations on behalf of the State that petitioner that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

No useful purpose shall be served by keeping the petitioner incarcerated any longer. Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is

considered just and expedient to allow this petition.

Consequently, the petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and heavy surety to the satisfaction of the learned trial Court/Duty Magistrate as well as on the condition that the petitioner shall mark his presence at the concerned police station on the third Friday of each month.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

June 06, 2018
rts

(Lisa Gill)
Judge

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