

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-40135-2018

Date of decision: 01.11.2018

Iqbal Singh @ Bala

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Amandeep Singh, Advocate for the petitioner.

Mr. Harpreet Multani, AAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 439 Cr.P.C., prayer has been made for grant of regular bail to petitioner-Iqbal Singh @ Bala, in case FIR No. 120 dated 29.10.2015 registered under Sections 307, 382, 323, 324, 341, 506, 148 and 149 IPC at Police Station Division No. 8, District Ludhiana.

The petitioner on bail during trial absented on 08.12.2016 and was produced in the instant case on production warrants.

Learned counsel *inter alia* contends that absence of the petitioner before the trial Court on 08.12.2016, was not intentional or deliberate, because the petitioner was arrested on 12.12.2016, in case FIR No. 174 dated 07.06.2016 (Annexure P-2) under Sections 302, 506, 148, 149, 120-B, 201 and 411 IPC and Sections 25 and 27 of the Arms Act,

Police Station Basti Jodhewal, District Ludhiana, in which the petitioner was evading his arrest and had apprehension that in case, he would appear in the instant case on 08.12.2016, he would be arrested in the aforesaid murder case. The petitioner is in custody for the last more than 7 months. Conclusion of trial may take a long time. No useful purpose would be served by detaining him in jail. More so, all the material prosecution witnesses have turned hostile. Learned counsel for the petitioner undertakes that petitioner would not remain absent even on a single date, during the pendency of trial.

On the other hand, learned State counsel vehemently opposed the above submission of learned counsel for the petitioner.

Considering overall facts and circumstances, but without expressing any opinion on the merits of the case, the petition is allowed. Consequently, petitioner-Iqbal Singh @ Bala, is ordered to be released on bail pending trial, on his furnishing adequate bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

November 01, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No