

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

**Criminal Misc. No. M-42781 of 2018
Date of decision: 16.11.2018**

Baljinder Singh alias Kinda

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Barjesh Kumar Sharma, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab
for the respondent-State.

Daya Chaudhary, J. (Oral)

The present petition has been filed by petitioner-Baljinder Singh alias Kinda under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.19 dated 11.03.2014 registered under Sections 307, 325, 323, 341, 411, 148, 149 read with Section 120-B IPC and Section 25 of the Arms Act, 1959 at Police Station Thermal Bathinda, District Bhinda during pendency of the trial.

Learned counsel for the petitioner submits that earlier the petitioner was released on regular bail by the Sessions Judge, Bathinda and was appearing before the trial Court regularly. Only on one date i.e. 30.01.2017, the petitioner could not appear before the trial Court as he was in custody in some other case and his application for production warrant was not filed in the trial Court and he was marked absent. Learned counsel further submits that absence of the petitioner was neither willful nor intentional but it was due to the reason that he was in judicial custody in some other case. At the end, learned counsel for the petitioner submits that neither the petitioner was named in the FIR nor any role has been attributed

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to him. The petitioner undertakes to appear before the trial Court on each and every date and to abide by all terms and conditions to be imposed by this Court or by the trial Court. The petitioner is in custody since 21.03.2017.

Learned State counsel has not disputed the submission made by learned counsel for the petitioner with regard to grant of regular bail earlier and remaining absent only on one date. However, learned State counsel has opposed grant of regular bail to the petitioner only on the ground that all the prosecution witnesses have been examined.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the documents available on the file.

Admittedly, the petitioner was granted regular bail by the trial Court and he remained absent only on one date i.e. 30.01.2017 as he was arrested in some other case.

Keeping in view the submissions made by learned counsel for the petitioner that the petitioner is in custody since 21.03.2017; neither he was named in the FIR nor any role has been attributed to him, the present petition is allowed and the petitioner (Baljinder Singh alias Kinda) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

16.11.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No