

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

**CRM-M No.43667 of 2018
Decided on: 08.10.2018**

Baljit Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Balbir Kumar Saini, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.131 dated 25.12.2000, for offence punishable under Sections 326, 324, 148, 149, 452, 336 of the Indian Penal Code (in short 'IPC'), registered at Police Station Verowal, District Tarn Taran.

Counsel for the petitioner has submitted that the petitioner was on regular bail, however, when the matter was compromised between the parties and the complainant agreed not to support the prosecution version during his statement before the trial Court, the petitioner traveled abroad without seeking prior permission of the trial Court. Counsel for the petitioner has relied upon the judgment dated 03.12.2017, vide which 02 of the co-accused of the petitioner namely Kuldeep Singh and Jassa Singh, who faced the full length trial, were

acquitted noticing the fact that the complainant as well as the eye-witnesses did not support the prosecution version and they were declared hostile and were acquitted.

Counsel for the petitioner has further argued that the petitioner remained abroad from 2005 to 2015 and thereafter, when he returned back, he was taken into custody on 12.07.2018 and since then, he is facing the trial. It is further submitted that the conclusion of the trial will take some time and the custodial interrogation of the petitioner is not required. It is also submitted that the petitioner is not involved in any other case except the present FIR.

Counsel for the State, on instructions from the Investigating Officer, has submitted that the petitioner has delayed the proceedings of the trial by absenting from the Court proceedings and he may flee from the process of justice in case enlarged on bail.

Without commenting anything on merits of the case, considering the fact that the co-accused of the petitioner stands acquitted as the complainant and the eye-witnesses have not supported the prosecution version; the petitioner is in custody since 12.07.2018; he is not involved in any other case; the custodial interrogation of the petitioner is no more required and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate and on payment of costs of Rs.15,000/- to be deposited with the trial Court/Illaq Magistrate, for delaying the proceedings.

However, it will be open for the prosecution to apply for

cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

08.10.2018

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