IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-43984 of 2018
Date of Decision: 11.10.2018

Vikram Nanchahal @ Vikram Kumar @ Chini ....Petitioner

VERSUS

State of Punjab ....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sidharth, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

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SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 217 dated 28.10.2005 registered for offences punishable under Sections 307/323/325/148/149 of Indian Penal Code (for short, "IPC") at Police Station Phillaur, District Jalandhar.

Heard.

The petitioner was allowed pre-arrest bail in this case vide order dated 13.01.2006 passed in CRM-M-91-2006. However, he did not appear before the Court and was declared proclaimed offender on 06.10.2006. Thereafter, he did not appear and came up with petition challenging order whereby he was declared proclaimed offender by filing CRM-M-37191-2018, wherein he was directed to surrender before the Court on 12.09.2018 and the trial Court was directed to examine his case and release him on bail, if he is found entitled. On his surrender, the bail application filed by the petitioner was declined as he had remained

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proclaimed offender for a considerably long time.

Learned counsel for the petitioner while referring to order of co-accused Jaswinder Singh @ Bhindi, who was also declared proclaimed offender, has argued that he was ordered to be released on bail by this Court vide order dated 29.01.2016 passed in CRM-M-35928-2013 as all the accused, who faced trial in this case, have been acquitted.

Applying the principle of parity with co-accused, Jaswinder Singh @ Bhindi and keeping in view the fact that all the accused in this case have been acquitted, the present petition is allowed. Petitioner-Vikram Nanchahal @ Vikram Kumar @ Chini is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

(a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.

(b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.

(c) He shall not leave the country without the previous permission of the Court.

October 11, 2018 **(SURINDER GUPTA)**
jk **JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No

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