

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

CRM-M-4623-2018

Date of decision:-3.5.2018

Resham Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Vikram Anand, Advocate
for the petitioner.

Mr.Ramandeep Sandhu, Sr.D.A.G., Punjab.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner – Resham Singh – an accused in FIR No.90 dated 20.7.2010, under Section 25 of Arms Act, registered at Police Station Division No.2, District Jalandhar.

Briefly stated, the facts of the case as per prosecution story are that on 20.7.2010 when apprehended by the police party in the area of Bultan Park, Jalandhar, the accused was found in possession of 9 MM pistol and three live cartridges. He was arrested in this case and then released on bail. Subsequently, he absconded and was declared a proclaimed offender. He stated to have surrendered in the trial Court on 24.10.2017 and since then he is in custody. The petitioner had filed an application for regular bail in the Court of Sessions, which was declined by learned Sessions Judge, Jalandhar vide order dated 12.1.2018, as such,

he has approached this Court with the same request.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

Learned counsel for the petitioner contends that non appearance of the petitioner was not intentional or wilful but due to the fact that he had gone to Canada and got an employment there, as such, he could not return to India and appear in the Court during trial, therefore, was declared a proclaimed offender on 16.2.2013, however on coming to know about the same, the petitioner returned to India and himself surrendered in the Court on 24.10.2017 and since then he is in custody, therefore, he be granted regular bail.

Whereas, this request is being opposed by the State counsel contending that in view of the fact that the petitioner had jumped bail earlier and was declared a proclaimed offender, he could not be relied upon now that he would appear in the Court on each and every date of hearing and would not repeat his past conduct.

After considering the rival contentions and going through the record, I find that the petitioner is in custody for more than 4 months and 8 days and by this time, he must have learnt a lesson for absenting from the Court during the proceedings. Keeping in view the nature of offence and circumstances of the case and the contentions put forward by learned counsel for the petitioner, I am of the view that the petitioner deserves to be granted concession of bail, although on stringent terms and conditions. Therefore, the petitioner be admitted to bail during the pendency of the trial, subject to his furnishing bail bonds and surety bonds to the

satisfaction of the trial Court/Chief Judicial Magistrate, Jalandhar, subject to the following conditions:

- (i) He shall appear in the Court on each and every date of hearing.
- (ii) He shall not give any threat or intimidation to the prosecution witnesses.
- (iii) He shall not leave India without prior permission of the Court.

The Court accepting bonds would ensure that two local sureties who are financially sound having immovable properties within jurisdiction of the district furnish the bonds. The petitioner be asked to surrender his passport. In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

3.5.2018
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(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No