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

CRM-M-47859-2018 (O&M)

Date of decision:04.12.2018.

LAKHBIR SINGH @ LAKHI @ SAI

... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Himanshu Puri, Advocate,
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab.

HARI PAL VERMA, J.(Oral)

CRM-40274-2018

Prayer in this application filed under Section 482 Cr.P.C. is for placing on record copy of order dated 09.03.2018 vide which the petitioner was granted bail, as Annexure P-4.

For the reasons stated in the application, same is allowed and the document Annexure P-4 is taken on record, subject to all just exceptions.

CRM-M-47859-2018

This is second petition filed by the petitioner-Lakhbir Singh @ Lakhi @ Sai under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.187 dated 09.08.2015 registered under Sections 379/411/401 of IPC and Section 22 of NDPS Act at Police Station Kotwali, District Kapurthala.

The earlier bail petition for grant of regular bail i.e. CRM-M-32785-2015 filed by the petitioner was dismissed as withdrawn on 07.08.2018.

Learned counsel for the petitioner has argued that the petitioner withdrew the earlier bail petition on the ground that there were other FIRs pending against him, but in FIR No.231, dated 20.11.2010 registered under Section 379 IPC at Police Station Shahkot, District Jalandhar and FIR No.19 dated 02.02.2010 under Section 411 IPC, Police Station Shahkot, District Jalandhar though he was convicted and sentenced for four months, but he has completed the sentence. So far as FIR No.131 dated 28.09.2014 under Sections 457/380/411 IPC, Police Station Lohian, is concerned, he is already on bail. He has further argued that in present FIR, the petitioner is in custody since 30.05.2018. Though he was on bail, but on account of his being absent from court proceedings on 10.11.2016, his bail bonds/surety bonds were cancelled and he was arrested by the police on 30.05.2018 and since then he is in custody. Challan in the case has already been presented followed by the charges framed and the case is now fixed for prosecution evidence which will take sufficient time. Moreover, the alleged recovery is 100 grams of Alprazolam, which is non-commercial.

Learned State counsel does not controvert the aforesaid facts.

I have heard learned counsel for the parties.

The petitioner is in custody since 30.05.2018. Though he was otherwise on bail, but on account of his jumping the bail, he is in custody. The trial in the case will take sufficient long time as no prosecution witness has been examined.

Accordingly, present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court. He shall also furnish an undertaking that in future he shall not absent himself from the proceedings without prior permission of the court.

(HARI PAL VERMA)
JUDGE

04.12.2018
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.