

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

**CRM-M No.995 of 2018
Decided on: 27.03.2018**

Rajinder Kumar @ Jindu

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

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

Mr. Abhay Pal Singh Gill, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.81 dated 01.10.2015, for offence punishable under Sections 399, 402 of the Indian Penal Code (in short 'IPC') and 25/54/59 of the Arms Act registered at Police Station Kabirpur (Ahlikalan), District Kapurthala.

Counsel for the petitioner has submitted that the petitioner was on bail, however, on 30.09.2016, he absented from the Court proceedings. Thereafter, the petitioner was re-arrested on 08.05.2017 and since then, he is in judicial lock up. It is further submitted that till date, no prosecution witness has been examined despite the fact that the challan has already been presented on 15.02.2016 and the petitioner is in judicial lock up for the last about 10 months.

Counsel for the State, on instructions from ASI Ranjit Singh, has, however, opposed the prayer for bail on the ground that the

petitioner is involved in one more FIR i.e. FIR No.82 registered at the same Police Station.

Without commenting anything on merits of the case and considering the fact that the petitioner was on bail; he absented from the Court proceedings only on one date; he is in judicial lock up for the last 10 months and no prosecution witness has been examined so far, the present petition is allowed and the petitioner is directed to be released on bail subject to his furnishing fresh bail/surety bonds and payment of costs of Rs.5,000/- to be deposited with the District Legal Services Authority, Kapurthala to the satisfaction of the trial Court/Illaqa Magistrate.

The payment of costs shall be a pre-condition before accepting the bail/surety bonds of the petitioner.

However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

27.03.2018
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No