

S.No.208

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

CRM-M-56465 of 2018 (O&M)

Date of Decision:21.12.2018

Jitesh Gajaria

.....Petitioner

Vs.

State of Punjab and anotherRespondents

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. M.L. Singhi, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case complaint No.2933/2 dated 19.06.2011/2933/1 dated 12.6.2011 registered under Section 138 of NI Act.

Counsel for the petitioner contends that the petitioner was released on bail pending trial in this case only. However, subsequently, the petitioner defaulted in appearance before the trial Court due to unavoidable circumstances. As a result, the petitioner was declared as a proclaimed offender, leading to his arrest, therefore, the petitioner is in custody since 17.08.2018. It is further contended that the petitioner is in jail only because he remained absent from the Court proceedings, otherwise, the main offence involved in the case is bailable one. Counsel further submits that the petitioner undertakes not to default in appearance again.

Learned State Counsel, being instructed by HC Jaswinder

Singh, submits that the petitioner has remained proclaimed offender for a

long time, therefore, he does not deserve any concession of bail pending trial. However, it is not disputed by the learned State Counsel that the petitioner is in custody since 17.08.2018.

In view of the above, but without commenting any further upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

December 21, 2018	(RAJBIR SEHRAWAT)
renu	JUDGE
Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No