

205

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

CRM-M-4880 of 2019

Date of decision: February 08, 2019

Bhajan Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. N.S. Dhaliwal, Advocate the petitioner.

A.B. CHAUDHARI, J (Oral)

Notice of motion.

At the asking of the Court, Mr. Tanvir Josh, AAG Punjab accepts notice on behalf of the State.

This is the second petition for grant of regular bail to the petitioner in FIR No.204 dated 12.10.2016, under Sections 379/411 of Indian Penal Code, 1860, under Sections 22/61 of Narcotic Drugs and Psychotropic Substance Act, 1985 and under Section 25 of Arms Act, 1959, registered at Police Station City South, District Moga.

Learned counsel for the petitioner submits that the petitioner was earlier granted the relief of bail by this Court. He further submits that the petitioner could not appear before the trial Court only on one date, i.e. 13.07.2018 due to medical reason. He further submits that now onwards, the petitioner shall appear before the learned trial Court with promptitude and shall not make default in appearance. He, therefore, prayed for allowing of the petition.

On the other hand, learned State counsel opposed the

petition for grant of bail and prayed for its dismissal.

It is not in dispute that the petitioner was granted the relief of bail by this Court vide order dated 08.08.2017 passed in CRM-M-27868 of 2017. However, the petitioner did not appear before the trial Court on one date, i.e. 13.07.2018. The petitioner approached the trial Court for grant of bail. However, the trial Court dismissed the said application for the reason stated therein.

Whether or not the reason given by the petitioner is correct or not, and looking to the fact that the petitioner undertakes to appear before the trial Court and make no default in appearance, I think there is no point in detaining him any further behind bars when he was already granted the relief of bail by this Court.

In that view of the matter, this petition is allowed. The petitioner shall furnish fresh bail bonds before the learned Chief Judicial Magistrate/Duty Magistrate, concerned to its satisfaction. He shall appear with promptitude and cooperate with the trial Court and shall not make any default in appearance. The petitioner shall not tamper, influence and threaten the prosecution witnesses and complainant as well. The petitioner shall surrender his passport, if he possesses, with the CJM/DM concerned.

(A.B. CHAUDHARI)
JUDGE

February 08, 2019
mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No