

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

**CRM-M No.6927 of 2019 (O&M)
Decided on: 30.04.2019**

Mandeep Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. L.S. Sekhon, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.211 dated 27.05.2012, for offence punishable under Sections 379 and 420 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Baldev Nagar, District Ambala.

Counsel for the petitioner has submitted that the petitioner was granted regular bail by the trial Court and he absented from the Court proceedings on 07.05.2013 and thereafter, he was declared as proclaimed offender. It is further submitted that the petitioner was re-arrested on 15.06.2018 and since then, he is in judicial custody for the last about 10 months. It is also submitted that out of 20 prosecution witnesses, only 09 PWs have been examined thereafter and the petitioner is entitled for concession of regular bail even under Section 437(6) Cr.P.C. as within a period of 60 days, the trial is not concluded.

Counsel for the State, on instructions from ASI Radhey Shyam, has not disputed the factual position but opposed the prayer for bail. It is further submitted that the petitioner was arrested in some other FIR and only thereafter, his presence was procured in this case.

Without commenting anything on merits of the case, considering the fact that the petitioner is in judicial custody for the last about 10 months; the offences are triable by the Court of Magistrate; the evidence has not been concluded as 11 PWs are yet to be examined and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

30.04.2019

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