

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

**CRM-M No.9558 of 2019
Decided on: 06.03.2019**

Khushpreet Singh @ Khushia

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Siddharth Gupta, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

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.55 dated 19.07.2014, for offence punishable under Sections 341, 323, 506, 148, 149 of the Indian Penal Code (in short 'IPC') (challan submitted under Sections 341, 323, 325, 506, 34 IPC), registered at Police Station Balianwali, District Bathinda.

Counsel for the petitioner has submitted that the petitioner was granted regular bail and was facing the trial, however, on 24.04.2018, the petitioner absented from the Court proceedings and his bail/surety bonds were cancelled and non-bailable warrants were issued and thereafter, he was re-arrested on 17.12.2018. It is further submitted that the petitioner is facing the trial and his non-appearance was on account of the ill health of his mother and therefore, he had taken her i.e. the mother of the petitioner, to Uttar Pradesh (U.P.) for her treatment

and, thus, could not appear before the trial Court.

Counsel for the State, has filed the Custody Certificate today in the Court and has not disputed the custody period of the petitioner and further submits that since the petitioner absented from the Court proceedings, he was booked in another FIR under Section 174-A IPC, in which he is on bail. It is further submitted that if bail is granted to the petitioner, he may again abscond from the process of law.

Without commenting anything on merits of the case, considering the fact that the petitioner was facing the trial for a period of about 04 years after he was granted regular bail and again he is in custody for the last 02 months and 18 days, 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/Illaq Magistrate/Duty Magistrate and on ***payment of costs of Rs.5,000/-*** to be deposited with the District Legal Services Authority, Bathinda.

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 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

06.03.2019

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Whether speaking/reasoned Yes/No

Whether reportable: Yes/No