

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

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**CRM-M No.10596 of 2019
Date of Decision : 11.04.2019**

Devi Dayal

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. Jupinder Pal Singh Brar, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

AJAY TEWARI, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.67 dated 23.06.2011 registered under Sections 302, 307, 341, 427, 148, 149, 120-B IPC and Sections 25, 27, 54, 59 of the Arms Act, 1959 at Police Station Nathana, District Bathinda.

Custody certificate has already been filed on 14.03.2019.

Counsel for the petitioner argues that no injury has been attributed to him and in the bail application of similarly situated co-accused who also carried fire arms but did not use the same were sentenced to three years imprisonment. However, earlier the petitioner was on bail but then jumped the bail and he is now in custody for the almost 10 months.

Learned Deputy Advocate General has accepted these facts but points out that the petitioner is a flight risk.

I have gone through the custody certificate which shows that the petitioner has been in custody for the last almost 10 months and he is facing trial in seven other cases in which he is on bail. Therefore even though the concern of the learned Deputy Advocate General cannot be downplayed yet it seems that this was the only case in which the petitioner has jumped bail and in other cases he is facing trial. In the circumstances, I deem it appropriate to grant bail to the petitioner to the satisfaction of the concerned trial Court/CJM/Duty Magistrate. Ordered accordingly. However, considering his past credentials the trial Court shall be justified in demanding heavy surety.

Petition stands allowed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

April 11, 2019
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No