

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

CRM-M No.16612 of 2019
DATE OF DECISION : 25th JULY, 2019

Gurdeep Singh Kahlon

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Arjun Veer Sharma, Advocate for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

Mr. Rakesh Gupta, Advocate for the complainant.

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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 FIR No.110 dated 28.07.2016 registered under Sections 420, 465, 467, 468, 471 & 120-B IPC at Police Station Jamalpur, Ludhiana at Police Station Sahnewal, District Ludhiana.

Learned counsel for the petitioner submits that in this very case earlier the petitioner was granted bail by the trial court. However, unfortunately; due to unavoidable circumstances the petitioner could not continue to appear before the trial court. Hence, the bail granted to the petitioner was cancelled. Thereafter, having tried for the anticipatory bail, the petitioner was arrested by the police 07.01.2019. Accordingly, the petitioner is in continuous custody since then. It is further submitted that now the petitioner has gone partly paralytic. At present the petitioner is bedridden. The counsel for the petitioner has produced before this court; the OPD slip of the treatment from Civil Hospital,

Ludhiana, showing right side paralysis suffered by the petitioner. However, it is submitted that although the petitioner had defaulted in appearance earlier as well, however, now the petitioner undertakes to appear before the trial court on each and every date; till the trial is concluded.

On the other hand, counsel for the complainant and counsel for the State, on instruction from the assisting police officer, submit that the petitioner has been a habitual absentee. Therefore, he does not deserve concession of bail; any more.

Having heard learned counsel for the parties, this court finds that despite the earlier defaults in appearance before the trial court, having been committed by the petitioner, he can still be granted one chance to show his bona fide in attending the court proceedings, particularly, in view of his stated illness and in view of the submission that the petitioner would attend the court on each and every date.

In view of the above, the present petition is allowed. It is ordered that the petitioner be released on bail during the trial, on his furnishing bail bonds/sureties to the satisfaction of the trial Court/Duty Magistrate.

However, it is ordered that the trial court would seek an undertaking from the petitioner that he would appear before it on each and every date to be fixed by the trial court. It is further ordered that on any single default the petitioner would be re-arrested; and he would not be released on bail; till completion of the trial.

25th JULY, 2019
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>