

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-19829-2019

Date of decision: 07.05.2019

Gursahib Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. RK Arya, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 439 Cr.P.C., prayer has been made for grant of regular bail to petitioner-Gursahib Singh, in case FIR No. 0011 dated 12.03.2016 registered under Sections 304-A, 279, 337, 338 and 427 IPC at Police Station Tibber, District Gurdaspur.

The petitioner is facing trial in the aforesaid FIR. During trial, he absented on 19.01.2019, therefore, he was declared proclaimed offender on 02.03.2019 and was arrested by the police 13.03.2019.

Learned counsel *inter alia* contends that absence of the petitioner on 19.01.2019 in Court, was on account of his meeting with an accident and hospitalization up to 20.01.2019, due to fracture of lower end of right Tibia and Fibula vide certificate dated 20.01.2019 (Annexure P-2). Thereafter, he was advised for complete bed rest for

around 20 days. Therefore, his absence was not intentional or deliberate, rather was on account of accident suffered by him. Learned counsel undertakes that the petitioner shall appear on each and every date of hearing, before the trial Court without fail and would not remain absent even on single date in future during the pendency of trial, if, he is released on bail. Petitioner is in custody since 13.03.2019. Conclusion of trial may take a long time. No useful purpose would be served by detaining him in jail.

On the other hand, learned State counsel vehemently opposed the above submissions of learned counsel for the petitioner.

Considering overall facts and circumstances, but without expressing any opinion on the merits of the case, the petition is allowed. Consequently, petitioner-Gursahib Singh, is ordered to be released on bail pending trial, on his furnishing fresh bail and heavy surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

However, it is clarified that this order shall not be an embargo in conducting the proceedings against the petitioner under Section 446 Cr.P.C., by the trial Court.

May 07, 2019
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No