

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-26446 of 2019
Date of Decision: 09.07.2019

Mithu Kumar

....Petitioner

VERSUS

U.T. Chandigarh

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sunil Kumar, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 102 dated 23.02.2016 registered for offences punishable under Sections 420 and 411 of Indian Penal Code (for short, "IPC") at Police Station Sector 17, Chandigarh.

Heard.

Notice of motion.

On asking of the court, Mr. Amit Kumar Goyal, APP, UT Chandigarh, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

Learned APP, U.T. Chandigarh submits that the petitioner absented during trial on 21.08.2017. His presence could not be procured thereafter and he was declared proclaimed offender vide order dated 28.02.2018 passed by the trial Court. He was arrested on 20.12.2018 and is in custody since then. Trial is still in progress.

Without expressing any opinion on merits of the case and keeping in view the period of incarceration of petitioner and the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Mithu Kumar is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

July 09, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No