

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-35241 of 2019
Date of Decision: 11.09.2019

Toofan Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. N.S. Dandiwal, 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.63 dated 12.06.2011 registered for offences punishable under Sections 364, 148, 149, 323, 325 of Indian Penal Code (for short, "IPC"); 25 and 27 of the Arms Act, at Police Station Mehna, District Moga.

Heard.

Notice of motion.

On asking of the Court, Mr. Rakeshinder Singh Sidhu, A.A.G. Punjab, 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.

The petitioner was earlier on bail in this case and had absented on 12.10.2018. He was arrested on 03.06.2019 and is in custody since then.

Learned State counsel submits that FIR in this case was registered in the year 2011. Thereafter, challan was presented in Court and under a well planned conspiracy, one or the other accused remained absent,

resulting in halting of trial till date.

The petitioner was earlier declared proclaimed offender in this case on 16.09.2014. Thereafter, he was arrested and released on regular bail and was appearing regularly before Court. He absented on 12.10.2018 and was arrested on 03.06.2019.

Without expressing any opinion on merits of the case and keeping in view the period of custody of petitioner and the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Toofan Singh is ordered to be released on regular bail on furnishing bail bond and surety bond in a sum of ₹5 lakhs before the trial Court/Chief Judicial Magistrate/Duty Magistrate, Moga, 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

Trial Court/CJM/Duty Magistrate will satisfy itself and verify about the solvency of person furnishing surety bond. In the event of petitioner absenting on any date of hearing, the trial Court will not only cancel his bail bond and surety bond but will also initiate immediate proceedings under Section 446 Cr.P.C. against the surety.

September 11, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No