

226

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46619-2019

Date of Decision: 06.12.2019

Randeep Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Manoj Sharma, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

...

Manoj Bajaj, J.

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.14 dated 02.02.2015, under Section 420 of the Indian Penal Code, 1860, registered at Police Station City Gurdaspur, District Gurdaspur.

The FIR in the present case was registered on the statement of complainant Malkiat Singh, wherein it was stated that Randeep Singh had entered into an agreement to sell measuring 10 kanals and 5 marlas situated at village Galowal, HB No.477 with him for ₹5,40,000/-. Thereafter, he did not execute the sale deed as he had sold the land to some one else and when the complainant demanded his money back from him then he refused to return the same.

Learned counsel for the petitioner contends that after registration of the case in the year 2015, the petitioner was granted the concession of regular bail. However, during the pendency of the trial, the petitioner absented himself from the Court proceedings on 04.02.2019 was

declared proclaimed offender. He submits that he was declared proclaimed offender on 01.07.2019 and is in custody since his surrender on 15.10.2019. He submits that the trial of the case is likely to consume some time, therefore, his further custody may not be required.

On the other hand learned State counsel assisted by ASI Parminder Singh has opposed the prayer on the ground that it was the second time, the petitioner was declared proclaimed offender and previously also in the year 2017 because of the same conduct, the petitioner was declared proclaimed offender. However, he does not dispute this fact that continuously for two years, the petitioner was attending the trial regularly. It is pointed out that only three witnesses have been examined so far out of total 11 witnesses.

Considering the above, the custodial period of the petitioner and the fact that the offence is triable by the Magistrate, therefore, his further custody may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Gurdaspur.

The petition is allowed.

06.12.2019
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No