IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No. 49282 of 2019
Date of Decision:-25.11.2019

Jagtar Singh @ Jagga

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Atul Kaushik, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG Punjab.

MANOJ BAJAJ J.(Oral)

Petitioner Jagtar singh @ Jagga has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.237 dated 24.8.2017, under Sections 399 and 402 IPC, registered at Police Station Daba, District Ludhiana. The petitioner is in custody since 06.5.2019.

The FIR was registered on the basis of a secret information, wherein it was alleged that Happy Jain @ Jatinder Singh, Jagga @ Jagtar Singh and Jaggi @ Jagtar Singh in connivance with each other by constituting a gang were planning to rob the people near road per Mohalla

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Sukhdev Nagar.

Learned counsel for the petitioner contends that the petitioner was initially arrested on 24.8.2017 and after grant of bail, he was regularly appearing before the trial Court. He further contends that on 01.2.2018 due to unavoidable circumstances, the petitioner could not appear before the trial Court and absented himself. Thereafter, the trial Court issued warrants of arrest against him and on 10.09.2018 declared the petitioner as proclaimed offender. On 06.5.2019, the petitioner was re-arrested and since then he is in judicial custody. Learned counsel further contends that after re-arrest, the petitioner is in custody for about seven months and out of total 07 witnesses, the prosecution has examined only two witnesses. He submits that since the trial will take sufficient long time for completion, the petitioner may be granted the concession of regular bail.

Learned State counsel, who is assisted by ASI Paramjit Singh opposed the prayer for grant of regular bail to the petitioner on the ground that he intentionally absented himself earlier and there is again possibility that he will jump the bail, if granted. However, it is not disputed that still five prosecution witnesses remain to be examined.

After hearing learned counsel for the parties, this Court finds that the trial of the case is likely to consume considerable time and keeping in view the custodial period of the petitioner, 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

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of the trial Court, Ludhiana.

The petition is allowed.

November 25, 2019 **(MANOJ BAJAJ)**
Vijay Asija **JUDGE**

Whether speaking/reasoned Yes / No
Whether Reportable Yes / No

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