

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-2469-2020(O&M)
Date of decision:-18.11.2020

Bunty

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr.Sandeep Verma, Advocate the petitioner.

Mr.J.S. Ghuman, DAG, Punjab.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for regular bail, has been filed by petitioner Bunty, aged about 26 years, an accused in FIR No.21 dated 7.3.2017 for the offences under Sections 356, 379-B, 34 IPC (Section 411 IPC added later on), registered at Police Station Chajjali, District Sangrur.

Briefly stated, the facts of the case are that the FIR in question was got recorded by complainant Manpreet Singh alias Kala son of Vakil Singh, resident of village Bhangala, Tehsil Abohar, District Fazilka aged about 20 years in which he stated that on 7.3.2017 while he was riding a motorcycle make Splendor going towards village Ratola after

collecting installments payable to his employer company Indian Financial Inclusion Ltd., Haredi Road, Kartarpura Colony, Sangrur and at about 12:30 p.m., when he had reached 1 k.m. ahead from village Kharial, then a Maruti car, grey in colour had hit his motorcycle; resultantly he along with the motorcycle fell down; then four youngsters came; one of them snatched his kit, which was on his neck having Rs.60,000/- in cash, one Samsung Tab and some documents; thereafter the culprit went to the car and the car sped away. He had informed his office as well as the police. Formal FIR was recorded. Accused was arrested in this case and released on bail. During the pendency of the trial against him, he absented from the Court on 30.8.2018. His bonds were cancelled and forfeited to the State. When he could not be arrested despite issuance of warrants of arrest against him, proclamation under Section 82 Cr.P.C. was issued against him. The petitioner/accused failed to put in appearance, as such, he was declared proclaimed offender vide order dated 29.1.2019. Subsequently, he was arrested in this case on 14.11.2019. The petitioner had approached the Court of Sessions at Sangrur seeking regular bail by moving application but was unsuccessful inasmuch as the application was dismissed by learned Additional Sessions Judge, Sangrur on 2.12.2019. As such, the petitioner has approached this Court by way of filing the present petition craving for the similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioner has contended that non-appearance of the petitioner/accused in the trial Court was not intentional

since as a matter of fact, he had been involved in another case bearing FIR No.77 dated 27.5.2018 under Section 61 of Excise Act; he was arrested in this case and was released on bail on 11.1.2019, therefore, he could not put in appearance in the trial Court and was declared a proclaimed offender. Now he is in custody for more than one year. The trial against him is at preliminary stage, the conclusion of which is likely to take some time. Therefore, he be granted concession of regular bail.

Learned State counsel is resisting the request.

However, without going into the merits of the case, it may be observed that the petitioner is in custody for more than one year and the trial against him is at the preliminary stage, in that way the conclusion of the trial is likely to take some time. Though the allegations against the petitioner/accused are serious in nature, however his guilt shall be determined during the trial.

Considering all the facts and circumstances of the case, I find that the petition deserves to be accepted.

Therefore, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the the trial Court/CJM/Duty Magistrate, Sangrur, subject to the following conditions:-

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses; and
- (iii) he shall not leave India without prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard.

However, it is observed that the trial Court/CJM/Duty

Magistrate, Sangrur accepting the bonds may ask the petitioner to furnish a local surety having documentary proof of immovable properties equivalent or more than the surety amount within the jurisdiction of the Court. The petitioner shall get his presence marked at Police Station Chhajli on last Saturday of every month between 10 a.m. to 12:00 noon and an entry in that regard be made in the DDR of the Police Station.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

Violation of any term and condition would give a right to the prosecution to seek cancellation of the bail granted vide this order.

18.11.2020
Brij

(H.S. MADAAN)
JUDGE

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