

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

CRM-M-6876-2020
Date of decision: 27.05.2020

Shivcharan Dass Dhami

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. P. S. Sekhon, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 127 dated 30.09.2011, registered under Sections 419, 420, 465, 467, 468, 471, 120-B of the IPC and Section 12 of the Passport Act, 1967 at Police Station Sadar Moga, District Moga.

Learned counsel for the petitioner submits that the petitioner was granted regular bail by the Additional Sessions Judge on 22.10.2012 and was regularly appearing before the Court, however, he absented on 12.01.2016, on account of which, his bail/surety bonds were cancelled and he was declared a proclaimed offender and thereafter, he was rearrested on 29.03.2019.

Learned counsel for the petitioner further submits that though the offences are triable by the Court of a Magistrate, however, the case is still at the stage of recording the statement of prosecution witnesses.

Learned counsel further submits that the non-appearance of the

petitioner before the Court was not intentional as he was involved in two more cases wherein he was arrested.

Learned counsel further submits that in the two subsequent FIRs, the Commission has recommended cancellation of FIRs as it was found that the petitioner is innocent.

Learned State counsel could not dispute the factual submissions as made by learned counsel for the petitioner.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner was earlier granted regular bail and stands re-arrested on 29.03.2019 after his bail/surety bonds were cancelled declaring him a proclaimed offender and since then he is in judicial custody and also in view of the fact that conclusion of trial may take a long time being a magisterial trial, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail bonds and two heavy sureties to the satisfaction of the trial Court/Duty Magistrate concerned.

However, this will be subject to deposit of Rs. 5,000/- as costs with the District Legal Services Authority, concerned.

27.05.2020

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No