

CRM-M-8312-2020

Date of Decision: 02.03.2020

Surjit Dass

... Petitioner

vs.

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Vivek K. Thakur, Advocate, for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioner is seeking regular bail in case FIR No. 48 dated 09.06.2018 under Sections 323/324/148 and 149 IPC and Sections 451 and 379 IPC (added later on) registered at Police Station Begowal, District Kapurthala.

It has been stated by learned counsel for the petitioner that at the earlier instance, the petitioner was granted pre-arrest bail in terms of order dated 22.06.2018 passed by the Additional Sessions Judge, Kapurthala (Annexure P-2) which was confirmed on 03.07.2018 (Annexure P-3). The challan has been presented in the absence of the petitioner and only *lalkara* has been attributed to him. After presentation of the challan, the petitioner has been declared proclaimed offender vide order dated 29.01.2020 (Annexure P-5) and his arrest was effected on 11.02.2020 and since then he is in custody.

Learned State counsel has not disputed the factual position.

Keeping in view the fact that the petitioner has undergone incarceration for a period of about 03 weeks and he has sufficiently suffered for remaining absent during the course of proceedings before the trial Court, as such, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, the present petition is allowed and petitioner is directed to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of Chief Judicial Magistrate/trial Court/Duty Magistrate concerned. However, this order is without prejudice to the proceedings under Section 446 Cr.P.C. that may be initiated by the trial Court against the petitioner and his surety.

02.03.2020

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(VIVEK PURI)

JUDGE

Whether speaking/reasoned

: Yes/No

Whether Reportable

: Yes/No