

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

(Proceedings conducted through video conferencing)

CRM-M No. 16624 of 2020(O&M)

Date of decision: 13.8.2020

Bhupinder Kumar

....Petitioner

VERSUS

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Ankur Malik, Advocate for the petitioner.

Mr. S.P.S. Tinna, Addl. AG, Punjab.

REKHA MITTAL, J.(Oral)

The petitioner prays for grant of regular bail in FIR No.275 dated 20.08.2011 for offence punishable under Section 420 of Indian Penal Code (in short 'IPC') registered at Police Station Civil Lines, District Amritsar (City).

Counsel for the petitioner would argue that though the petitioner was declared as a proclaimed offender even before presentation of challan, he is in custody since 17.02.2020 in a case triable by the Judicial Magistrate. It is further argued that the petitioner is resident of Chandigarh but the instant FIR was registered at Amritsar, as such, he was not aware of registration of the case. It is argued that the petitioner is ready to face proceedings without any default and subject to conditions, if any, imposed by the Court.

Counsel representing State of Punjab has opposed the prayer for grant of bail with the submission that as the petitioner stayed away

from criminal proceedings for a long period of 8 years, he does not deserve to be extended benefit of bail.

Be that as it may, the petitioner was declared as a proclaimed offender during pendency of investigation. He is in custody for the past about 6 months. Offence under Section 420 IPC is triable by the Judicial Magistrate. The allegations against the petitioner are that he duped certain persons by taking money noticed in the order of Court below. Counsel for the State has not disputed that the petitioner was resident of Chandigarh but the criminal case was registered against him at Amritsar. The conclusion of trial may take long time more particularly in the circumstances that cases are not progressing due to Covid-19.

In view of the above, the petitioner is ordered to be released on bail subject to his furnishing bail bonds in the sum of Rs.5 lakh with two sureties in the like amount subject to satisfaction of the trial Court/ Judicial Magistrate (on duty), Amritsar. However, he shall abide by the following conditions:-

- (i) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade him/her from disclosing such facts to the Court;
- (ii) He shall not leave India without previous permission of the Court.

Disposed of accordingly.

AUGUST 13, 2020

‘D. Gulati’

Whether speaking/reasoned :

Whether reportable :

(REKHA MITTAL)

JUDGE

yes/no

yes/no