

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

**CRM-M- 17256 of 2020 (O&M)
DATE OF DECISION : 20.07.2020**

Major Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Siddharth Gupta, Advocate,
for the petitioner.

Mr. A.A. Pathak, Addl. AG Punjab.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

1. The petitioner is seeking regular bail in FIR No. 846 dated 30.10.2008, registered under Sections 420, 465, 467, 468, 471 read with Section 34 IPC, Police Station Kotwali, District Bathinda.

2. The FIR was registered against the petitioner and his co-accused on the allegations that they cheated the complainant and took a sum of Rs.3 lacs from him on the pretext of sending him abroad. However, neither was he sent abroad nor the money was returned. After trial, co-accused was convicted on 01.11.2017. Whereas, the petitioner, after being enlarged on bail vide order dated 17.09.2009, had later on absented from the trial after 23.05.2016, was declared a proclaimed offender on 03.12.2016. It is stated that petitioner himself surrendered before the Court on 04.11.2019 and since then he is in custody.

3. Learned counsel for the petitioner submits that absence of the petitioner was not intentional, but on account of the fact that the petitioner had

met with an accident. He submits that the trial against the petitioner is not likely to conclude soon in the present scenario of Covid-19 pandemic where the Courts are taking up only urgent matters.

4. On the other hand learned State counsel opposes the bail plea. According to him, the petitioner has misused the concession of bail granted to him by the trial Court and in the circumstances, he is not entitled for any concession.

5. The petitioner is in custody since 04.11.2019. Though, no proof about meeting with an accident has been placed on record by the petitioner, but it is a fact that petitioner himself surrendered before the Court. Trial against him has already been prolonged due to his absence. However, considering the fact that the trial is not likely to conclude in near future due to outbreak of Covid-19 pandemic leading to the Courts working with restrictions, no useful purpose would be served by keeping the petitioner in custody any further.

6. Without expressing any opinion on the merits of the case, the petition is allowed. Petitioner shall be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of Trial Court/ Duty Magistrate/ Illaqa Magistrate, as the case may be. Petitioner is directed to appear before the trial Court regularly, without any default.

JULY 20, 2020
Jiten

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No