

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-19508 of 2020
Date of decision:11.09.2020

Ranjit Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Aakash Kumar Gupta, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab
assisted by ASI Harjinder Singh.

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

The petitioner is seeking regular in bail in case FIR No.179 dated 02.09.2016 (Annexure P-1) under Sections 420, 406 and 120-B of Indian Penal Code, 1860 registered at P.S.Kapurthala City, District Kapurthala.

Counsel for the petitioner has submitted that the petitioner was granted regular bail by the trial Court, after he had undergone a custody of 02 months and 09 days. He was released from the prison on 09.12.2016. Counsel submits that the petitioner had been regularly appearing before the

trial Court till 05.08.2019. The dispute, which was primarily monetary was settled with the complainant and the complainant agreed to accept a sum of Rs.1,60,000/-. The petitioner stopped appearing before the trial Court as in pursuance to the compromise, the complainant had agreed to withdraw the present FIR as well as complaint filed by him, under Section 138 of the Negotiable Instruments Act, 1881. However, according to the counsel, due to greed, the complainant resiled from the compromise. Consequence was that the petitioner was declared as a Proclaimed Offender by the trial Court on 22.01.2020. He was re-arrested on 16.03.2020 and is in custody since then. Counsel submits that the petitioner will appear regularly before the trial Court and he be enlarged on bail subject to any condition as this Court deems reasonable.

Counsel for the State has filed the custody certificate dated 10.09.2020 which is taken on record. Upon instructions from ASI Harjinder Singh, he submits that Investigating Agency is not aware of the alleged compromise entered into between the complainant and the accused petitioner. He has opposed the bail petition on the ground that a Proclaimed Offender is not entitled to the concession of bail.

I have considered the rival submissions of counsel for the parties.

Considering the nature of the offence and the fact that there has been one default on the part of the petitioner, this Court is of the view that the lapse deserves to be condoned. The trial is likely to take sometime to conclude and incarceration of the petitioner will not serve any useful

purpose.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It will be open to the trial Court to impose any condition it deems reasonable to ensure that the petitioner does not commit any default in future.

It is clarified that any observation made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

September 11, 2020
savita

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes