

CRM-M-26491-2020

Date of decision: 11.09.2020

SANDEEP SHARMA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Gagandeep Singh Manku, Advocate
for the petitioner.

Mr. H. S. Multani, AAG, Punjab.

*(The case has been taken up through video conferencing on
account of Covid-19 Pandemic)*

VIVEK PURI, J. (ORAL)

The petitioner is facing trial in the case bearing FIR No. 58 dated 13.07.2015 under Sections 399/402 of IPC, registered at Police Station Begowal, District Kapurthala.

It has been stated by the learned counsel for the petitioner that at the first instance, the petitioner was granted regular bail by the Court of Sessions in terms of order dated 10.03.2016. During the course of trial, the petitioner had absented from proceedings on 08.02.2018. However, he was granted pre-arrest bail by this Court vide order dated 24.04.2018 passed in CRM-M-9673-2018. Thereafter, the petitioner again absented on 10.09.2018. The petitioner had approached this Court seeking anticipatory bail. Vide order dated 28.03.2019 passed in CRM-M-64569-2018 it was directed that the petitioner shall surrender before the trial Court within a period of 10 days and he will be released on interim bail and further the petitioner shall make a payment of cost of Rs.20,000/- with the District Legal Services Authority concerned. However, on 28.03.2019 none had

appeared on behalf of the petitioner and keeping in view the fact that the petitioner had not joined the investigation despite having been granted interim bail, the petition was dismissed. Thereafter, the petitioner was declared proclaimed offender vide order dated 06.09.2019.

It has been contended by the learned counsel for the petitioner that the cost of Rs. 20,000/- could not be deposited as the same was handed over to the clerk of the counsel by the mother of the petitioner and he had not deposited the same. The reason assigned of absence is the illness of grandfather of the petitioner. It has been stated that the grandfather of the petitioner was earlier admitted in PGIMS, Rohtak and subsequently he died.

The petitioner has been arrested on 09.06.2020 and since then he is in custody.

On the contrary, it has been argued by the learned State counsel that this is the second default of the petitioner and has also been declared proclaimed offender. Furthermore, no record with regard to the ailment if any, being suffered by the grandfather of the petitioner has been produced on record.

It is significant to note that earlier the petitioner had filed the petition bearing No. CRM-M-23456-2020 under Section 439 for grant of regular bail and the same was dismissed as withdrawn with liberty to file fresh one after depositing costs of Rs. 20,000/- with District Legal Services Authority. The petitioner has deposited the same with the District Legal Services Authority, Kapurthala. A copy of the receipt dated 31.08.2020 has been placed on record. It is no doubt true that there is no record with regard to the illness/treatment of the grandfather of the petitioner and he has been declared proclaimed offender, but in the circumstances of the case, it may not be a sufficient ground to decline bail to the petitioner.

It may be mentioned here that the arrest of the petitioner was effected

costs during the course of earlier proceedings. The petitioner has suffered sufficient incarceration for the lapse on his part in absenting from proceedings.

For the aforesaid reasons, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Illaqa Magistrate/Duty Magistrate/trial Court.

11.09.2020
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(VIVEK PURI)
JUDGE

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