

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-29622-2020 (O&M)

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Date of decision:01.10.2020

Jaswant Singh

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Ashok Kumar Verma

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Present: Mr. Chandan Singh Rana, Advocate for the petitioner.

Mr. M.S. Dullat, Additional Advocate General, Punjab for the respondent-State.

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Ashok Kumar Verma, J.

The case has been taken up by way of Video Conference as per instructions in view of COVID-19 pandemic.

The petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.336 dated 27.11.2014 registered for the offences under Sections 323, 324, 452, 148 and 149 IPC (but challan presented under Sections 450, 323, 325 read with Section 34 IPC) at Police Station Dharamkot, District Moga.

Notice of motion.

Mr. M.S. Dullat, learned Additional Advocate General, Punjab accepts notice on behalf of the respondent-State.

In view of the order dated 31.10.2018, learned Additional

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Sessions Judge, Moga, petitioner was ordered to be released on bail, however, he absented himself without any prior intimation. The order granting bail was cancelled and surety bonds were forfeited to State. He was summoned through non-bailable warrants of arrest. Thereafter, proclamation proceedings were initiated against the petitioner and on 24.05.2018, he was declared as proclaimed offender.

Learned counsel for the petitioner states that the petitioner was away for two years to Kolkata to earn his livelihood. He has informed his counsel about this fact and remained under impression that his personal appearance has been exempted. He further states that petitioner is a poor person. He earns his livelihood by doing manual work. He assures that petitioner will appear before the trial Court as and when called for. Petitioner has been in custody since 17.04.2020.

Learned State counsel has contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that the offences are triable by the trial Court. The petitioner has been in custody since 17.04.2020. The challan has been presented in the trial Court. Co-accused, who were declared proclaimed offenders, have been granted bail. The petitioner is not required for interrogation or investigation purposes as he is in judicial custody. Due to COVID-19 pandemic, the trial of the case is likely to take long time.

Keeping in view aforesaid, in my opinion, no useful purpose will be served by keeping the petitioner in custody till the final disposal of

the case.

Therefore, keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and petitioner-Jaswant Singh is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

October 01, 2020.

(Ashok Kumar Verma)
Judge

hsp

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