

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

225

CRM-M-32831-2020
Date of Decision: 27.10.2020

Sandeep Singh @ Kala

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : Hon'ble Mr. Justice Arun Kumar Tyagi

Present : Mr. Gurpreet Singh Sandhu, Advocate
for the petitioner.

Mr. M.S. Nagra, Asstt. A.G., Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J.(Oral)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, “the Cr.P.C.”) for grant of regular bail in case FIR No. 27 Dated 12.02.2018 registered under Section 379-B of the Indian Penal Code, 1860 (for short, “the IPC”) and Section 25 of the Arms Act, 1959 at Police Station Talwandi Sabo, District Bathinda.

As per the prosecution version on 09.02.2018, the petitioner alongwith his two co-accused came on motorcycle and snatched amount of Rs. 4800/- from complainant Gurbhej Singh by putting pistol on his temple. Subsequent to his arrest, the petitioner was granted bail vide order dated 20.03.2019. However, the petitioner absented on 22.07.2019 on which date his bail order was cancelled by the trial Court. The petitioner surrendered in case FIR No. 366 dated 05.12.2017 under

Sections 326, 341, 506 read with Section 34 of the IPC registered at Police Station Talwandi Sabo on 06.05.2019 and subsequently in compliance with production warrant he was produced before the trial Court on 07.11.2019 in the present case.

The petitioner being in custody in the present case since 07.11.2019 has filed the present petition for grant of regular bail.

Pursuant to supply of advance copy, learned State counsel has appeared and opposed the petition. However, no reply has been filed by the respondent-State.

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

Learned counsel for the petitioner has submitted that in the present case the petitioner was granted bail vide order dated 20.03.2019. During trial of the present case the petitioner surrendered in case FIR No. 366 dated 05.12.2017 under Sections 326, 341, 506 read with Section 34 of the IPC registered at Police Station Talwandi Sabo on 06.05.2019 and was released on bail in that case on 18.05.2020. Absence of the petitioner in the present case on 22.07.2019 was due to the fact that he was in custody in some other case and his absence on 22.07.2019 was not deliberate/intentional. The petitioner is ready to comply with the terms and conditions to be imposed by the Court regarding his appearance. The trial is likely to take long time and no useful purpose will be served by further detention of the petitioner in custody during trial. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has argued that the petitioner misused the concession of regular bail. Therefore, the

petitioner does not deserve grant of bail and the petition may be dismissed.

Keeping in view of the facts and circumstances of the case particularly the fact that absence of the petitioner on 22.07.2019 was due to the petitioner being in custody in some other case and cannot be said to be deliberate/intentional coupled with the fact that the trial is likely to take long time but without commenting on the merits of the case, I am of the considered view that the petitioner deserves grant of regular bail.

Accordingly, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned.

27.10.2020

Vishal

**(ARUN KUMAR TYAGI)
JUDGE**

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No