

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

CRM-M-39075-2020

Date of decision : 03.12.2020

JOGINDER SINGH

....Petitioner

Vs.

STATE OF PUNJAB AND ANR

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Vipin Mahajan, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in criminal complaint No.NACT261/2016 (presented on 19.09.2014 and registered on 01.07.2016) titled Baljeet Singh Vs. Joginder Singh in which the petitioner has been summoned to face trial for an offence under Section 138 of the Negotiable Instruments Act, 1881 vide order dated 19.09.2014.

Learned counsel for the petitioner would contend that vide order dated 19.09.2014 the petitioner was summoned to face trial. The petitioner appeared before the Trial Court and furnished his bail bonds and surety bonds, and, thereafter, he was regularly attending the trial. However, in the month of February 2016 the wife of the petitioner became seriously ill and as a result the petitioner got her admitted in Escorts Hospital, Amritsar. The wife of the petitioner eventually passed away on 02.03.2016. The petitioner could not appear before the Trial Court and on 26.02.2016 his bail bonds and surety bonds were cancelled. Thereafter, the petitioner remained under depression on account of untimely and unfortunate death of his wife and, therefore, absented from trial. Vide order dated 14.12.2018, the petitioner was declared Proclaimed Offender. He further contends that the residential house of the petitioner has been attached and the same has been auctioned for an

amount of Rs.4,27,000/- and the cheque which is alleged to have been dishonoured was for Rs.4,00,000/-.

Learned State counsel on instructions from SI Jabarjeet Singh has stated that the residential house of the petitioner has been attached and auctioned. However, the auctioned amount has not been deposited by the auction purchaser and he has been granted time till 30.01.2021.

In the present case, the petitioner has been in custody since 28.10.2020. The bail of the petitioner has been rejected on the ground that the petitioner had been declared Proclaimed Offender. The residential house of the petitioner has been attached and auctioned and the money due has been secured to that extent.

In view of the above, without commenting anything on the merits of the case, and in view of the fact that the petitioner has been in custody since 28.10.2020 and the trial is likely to take some time especially in view of the situation created by the Covid-19 pandemic, I deem this to be a fit case for grant of regular bail to the petitioner. The present petition is accordingly allowed and the petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

December 03, 2020
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(ALKA SARIN)
JUDGE

Whether speaking/non-speaking: Yes/No
Whether reportable: Yes/No