

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

CRM-M-760-2021
Date of decision: 19.01.2021

Dilraj Singh alias Happy

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vaibhav Narang, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 24 dated 23.01.2009, registered under Sections 382/34 of the IPC (Section 201 IPC added later on) at Police Station Civil Lines, District Amritsar.

Learned counsel for the petitioner submits that petitioner was arrested on 07.02.2009 and after the challan was presented on 05.10.2009, the petitioner was granted bail on 12.11.2009.

Learned counsel further submits that thereafter, the petitioner was informed that he has been acquitted in the case and, therefore, he did not appear before the Court and on that account, he was declared a proclaimed offender on 05.02.2011.

Learned counsel further submits that the petitioner has again been arrested on 02.11.2020 and since then, he is in judicial custody. It is further submitted that petitioner is ready to face the trial.

As per allegations in the FIR, when complainant Dinesh and one Sanjay Gupta were going on foot, one Mandeep Singh @ Deepu and the petitioner came on a motorcycle and snatched the mobile phone.

Learned counsel for the petitioner further submits that in order to show his *bona fide*, the petitioner is ready to deposit the costs of Rs. 1 Lakh with Punjab & Haryana High Court Lawyers' Welfare Fund.

Learned State counsel, on the basis of the custody certificate filed today in Court, has not disputed the factual position. As per custody certificate, the petitioner is involved in one more FIR under section 382 IPC, in which he is on bail.

Learned State counsel has opposed the bail on the ground that petitioner remained a proclaimed offender for a long period of nine years when he was arrested and in case he is granted bail, there is an apprehension that he may again abscond from the proceedings.

After hearing learned counsel for the parties, without making any comment on the merits of the case, considering the fact that at one point of time, the petitioner was granted concession regular bail when he absented from the Court proceedings and the petitioner volunteered to pay the costs of Rs. 1 Lakh, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail bonds and two local sureties to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

The petitioner, while furnishing bail/surety bonds, will produce the receipt regarding payment of costs of Rs. 1 Lakh to Punjab & Haryana High Court Lawyers' Welfare Fund.

19.01.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No