

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

**AT CHANDIGARH**

**Criminal Misc. No.M-2962 of 2021**

**Date of Decision: 19.02.2021**

Bachittar Singh @ Satwinder Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

**CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA**

Present:- Mr. D.S. Khurana, Advocate  
for the petitioner.

Mr. Harpreet Singh Multani, A.A.G., Punjab.

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**HARI PAL VERMA, J. (Oral)**

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

This is second petition filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.36 dated 27.04.2012 under Sections 420, 406, 465, 467, 468, 471, 120-B IPC registered at Police Station Kulgarhi, District Ferozepur. The earlier petition filed by the petitioner i.e. CRM-M-14312-2020 was dismissed as withdrawn vide order dated 24.06.2020.

Learned counsel for the petitioner has argued that apart from the fact that the petitioner is in custody since 13.02.2020, no role has been attributed to him. Earlier, though the petitioner was declared as proclaimed offender on 15.01.2013, but he was arrested in the case on 13.02.2020.

Challan in the case was presented on 14.04.2020 but charge has not been framed in the case. In this manner, trial in the case will take long time. Moreover, the offences in the case are triable by a Magistrate.

Learned State counsel submits that the petitioner was declared as proclaimed offender on 15.01.2013 and it is only on 13.02.2020, he has been arrested in the case. In case he is admitted on bail, there is possibility that he may hamper the trial. However, if this Court grants bail to the petitioner, some strict conditions may be imposed upon him.

I have heard learned counsel for the parties.

Admittedly, the petitioner was declared as proclaimed offender on 15.01.2013 and instead of surrendering, he was arrested on 13.02.2020. In the light of judgment of the Apex Court in the case of **Sanjay Chandra vs. CBI** 2011(4) RCR (Criminal) 898, considering the fact that the offences in the case are triable by a Magistrate and charge has yet not been framed and in this manner, trial in the case will take long time, this Court deems it appropriate to admit the petitioner on regular bail, however subject to heavy surety.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/heavy surety to the satisfaction of trial Court.

The petitioner shall also submit an affidavit that he will not cause any delay in smooth trial of the case and shall not absent himself from the Court proceedings without any justifiable reason.

However, it is made clear that the observations made hereinabove shall not be construed as expression of any opinion on the merits of the case.

Needless to say that the petitioner shall not influence any witness in any manner.

February 19, 2021  
**AK**

**( HARI PAL VERMA )**  
**JUDGE**

Whether speaking / reasoned?  
Whether reportable?

Yes / No  
Yes / No