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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-5114-2021

Date of Decision: 19.04.2021

Sukhwinder Singh

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Divyjit S. Sandhu, Advocate for the petitioner.
Ms. Monika Jalota, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition seeking bail in FIR No. 268, dated 31.10.2013, under Sections 304-A, 427 and 279 IPC, registered at Police Station City Kapurthala, District Kapurthala.

The petitioner was granted bail on 17.02.2014, he failed to appear and was declared proclaimed offender vide order dated 02.12.2019. Thereafter, he was arrested on 18.12.2020.

Learned counsel for the petitioner submits that absence of the petitioner was not intentional. It was due to his profession i.e. driver that he was out of station and could not appear before the trial Court. He further submits that to show his *bonafides*, the petitioner is ready to furnish cash security of ₹ 40,000/- before the trial Court.

Learned State counsel opposes the bail and submits that petitioner jumped the bail twice and intentionally delayed the trial.

The machinery provisions provided in the Code of

Criminal Procedure are to ensure the presence of the accused as and when required during the trial. The idea behind is that there should be speedy conclusion of the trial. The offer made by the petitioner, if accepted, ensures the presence of the accused during the trial.

Considering the facts and offer made by the petitioner, the petitioner is granted bail subject to deposit of ₹ 40,000/- in cash, with the trial Court subject to outcome of the trial Court. The amount deposited shall be kept in an FDR in any nationalized bank. In case of failure of petitioner to appear before the trial Court, as and when called for, the amount deposited shall be forfeited.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

19th April, 2021

pankaj barweja

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No