

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-7246-2021 (O&M)
Date of Decision:-9.3.2021

Karan Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Inderjit Sharma, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Harjinder Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.70 dated 24.6.2015 at Police Station City Gurdaspur, District Gurdaspur under Section 52-A of Prisons Act.
2. The aforesaid case was registered against the petitioner when he was found in possession of a mobile phone without chip while he was detained in jail as an under trial in respect of some other case.
3. The petitioner had been granted regular bail in the aforesaid matter and had been appearing regularly before the Trial Court but on account of his absence on 6.1.2020 his bail was cancelled. Ultimately, he was declared a proclaimed offender on 25.11.2020. However, the petitioner appeared before the Trial Court immediately thereafter i.e. after 3 days on 28.11.2020 and has been in custody since then.

4. Learned counsel for the petitioner has submitted that the petitioner has regularly been appearing before the Trial Court ever since 2015 and that his absence as on 6.1.2020 was the first instance of default on his part and shortly thereafter i.e. after 23.3.2020 there was a total lockdown in the country and even the Courts were not transacting any business and on account of which he did not appear and that as and when he came to know that he has been declared a proclaimed offender, he surrendered before the authorities concerned within three days.
5. Opposing the petition, the learned State counsel has submitted that since the petitioner has been declared a proclaimed offender, no case for grant of bail is made out. Learned State counsel has, however, informed that the total undergone period in the instant case is more than 7 months and that even after his rearrest on 28.11.2020, he has been behind bars since the last about 3½ months.
6. I have considered rival submissions addressed before this Court.
7. Having regard to the fact that there was a complete lockdown in the country towards the end of March 2020 and while also noticing that the petitioner has been behind bars since the last about 3½ months after his surrender, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9.3.2021

pankaj

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No

**(Gurvinder Singh Gill)
Judge**