

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

CRM-M-9805-2021

DECIDED ON: 30th APRIL, 2021

SATNAM SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Kanwaljeet Singh Brar, Advocate
for the petitioner.

Ms. Monika Jalota, D.A.G., 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 regular bail in case FIR No.0043 dated 01.03.2016 registered under Section 436 of the Indian Penal Code, 1860 at Police Station Samrala, Police District Khanna, District Ludhiana.

The petitioner was granted bail on 05.04.2017. The petitioner absented himself and was declared as a proclaimed offender on 28.01.2019. Thereafter, he was arrested on 04.11.2020.

Learned counsel for the petitioner submits that the absence of the petitioner was not intentional. He submits that the petitioner was in custody in an another FIR at Samrala. However, to prove the *bona fide*, the petitioner offers Rupees one lakh as surety by way of cash deposit before the trial Court subject to outcome of the trial.

Learned State counsel, on instructions from ASI Sikander Raj, opposes the grant of bail on the ground that the petitioner is involved in seven cases. She further submits that the absence of the petitioner was intentional just to delay 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 totality and the offer made by the petitioner, the petitioner is granted bail subject to his depositing Rs. One lakh, in cash, before the trial Court. The amount deposited would be subject to outcome of the trial. The amount will be kept in an FDR of a nationalized bank.

In case, the petitioner fails to appear before the trial Court as and when called for, the amount so deposited shall be forfeited.

The petition is allowed.

(AVNEESH JHINGAN)
JUDGE

30th APRIL, 2021

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Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*