

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

CRM-M No.13703 of 2021 (O&M)
Date of Decision.01.04.2021

Captain Singh

...Petitioner

Vs

State of Punjab

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Gagandeep Singh Sirphikhi, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

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JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed for grant of regular bail in case FIR No.96 dated 02.06.2018 under Sections 457, 380, 411 IPC registered at Police Station City Batala, District Batala.

Learned counsel for the petitioner would contend that the petitioner had been allowed regular bail by the Additional Sessions Judge, Gurdaspur by an order dated 30.07.2018 by taking into account that he had been in judicial custody since 13.06.2018 and the challan had not been presented. It is argued that the challan was presented on 11.02.2019, on which date, he did not put in appearance and consequently, was declared as a proclaimed person by an order dated 02.09.2019. It is submitted that non-appearance was not willful, however, he was arrested on 02.02.2021 and is in custody since then. It is further argued that the trial is likely to take some time to conclude and therefore, prays for concession of bail to the petitioner.

Learned counsel appearing for the respondent-State opposes grant of bail to the petitioner by contending that the petitioner herein did not

put in appearance before the trial Court and therefore, declared as a proclaimed person.

I have heard learned counsel for the parties. Keeping in view the fact that the petitioner was earlier granted bail, however, arrested subsequently on 02.02.2021 owing to his non-appearance before the trial Court and since then he is in custody and the fact that the trial is likely to take some time to conclude, no useful purpose would be served in keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

(JAISHREE THAKUR)
JUDGE

April 01, 2021
Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No