

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

203

**CRM-M-19190-2021
Date of decision: 27.05.2021**

Bhola Singh @ Rashpinder SinghPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Naveen Sharma, Advocate
for the petitioner.

Mr. P.S. Walia, Asstt. A.G., Punjab
for the respondent-State.

Mr. Jaspreet Singh Khera, Advocate
for the complainant.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.98 dated 03.10.2014 registered under Section 379 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Mehna, District Moga to which Sections 411, 447 and 511 of the IPC were added lateron.

The petitioner being in custody has filed the present petition for grant of regular bail.

The petition has been opposed by the respondent-State. However, no reply has been filed by the respondent-State.

Mr. Jaspreet Singh Khera, Advocate has put in appearance on behalf of the complainant and filed copy of his power of attorney

through e-mail print out of which is taken on record. Original power of attorney be filed in the Registry of this Court.

I have heard learned Counsel for the petitioner, learned State Counsel and learned Counsel for the complainant.

Learned Counsel for the has submitted that the petitioner and other co-accused have been falsely implicated in the present case due to party fraction in the village. The petitioner went abroad and absented during trial as there was a compromise with the complainant and he was under the impression that his appearance before the Court was not required. However, the petitioner was subsequently declared proclaimed offender on 28.02.2018. On coming to know about the same, the petitioner surrendered on 10.03.2021. Absence of the petitioner was not intentional and the petitioner is ready to abide by the terms and conditions to be imposed by the Court regarding his appearance. The matter has also been compromised with the complainant. The trial is likely to take long time due to restrictions imposed to prevent spread of Covid-19. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

In support of his submissions, learned Counsel for the petitioner has sent copies of the compromise and affidavit of the complainant through e-mail print out of which is taken on record.

On the other hand, learned State Counsel has submitted that in view of the nature of accusation and gravity of the offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Learned Counsel for the complainant has not disputed the genuineness of the compromise and affidavit of the complainant and has submitted that the complainant has no objection if the petitioner is granted regular bail.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, affidavit of the complainant and the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of Covid-19, but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

Accordingly, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

27.05.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No