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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.21241 of 2021 (O&M)

Date of decision: 28.06.2021

Ajay Saini

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Mandeep Kaushik, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.114 dated 22.04.2007, for offence punishable under Sections 353/186/323 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Division No.8, District Jalandhar.

Counsel for the petitioner has further submitted that the petitioner was granted bail, however later on, he travelled abroad and therefore, he was declared as proclaimed offender. It is further submitted that the petitioner has returned back to India and he will face the trial, in accordance with law.

Counsel for the petitioner has also submitted that the petitioner is in custody for the last 04 months and 04 days and since the petitioner is not involved in any other case, no purpose will be served by keeping him behind the bar as he is ready to face the proceedings.

Counsel for the petitioner has volunteered that the petitioner will deposit a costs of Rs.40,000/- with the Punjab & Haryana High Court Bar Association Welfare Fund and will submit the receipt of the same with the trial Court while furnishing the bail/surety bonds.

Counsel for the State on the basis of the Custody

CASE HEARD THROUGH VIDEO CONFERENCING

Certificate has not disputed the factual position but opposed the prayer for bail on the ground that the petitioner was involved in one more case in the year 2006. However, it is submitted that the trial has been delayed substantively as the petitioner was declared as proclaimed offender on 19.01.2011.

Without commenting anything on merits of the case, considering the fact that the petitioner is facing the trial under Sections 353, 186, 323 IPC and has undergone the custody of about more than 04 months; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

This will, however, be subject to the condition that the petitioner will deposit the costs of Rs.40,000/- with the Punjab & Haryana High Court Bar Association Welfare Fund and produce the receipt of the same before the trial Court while furnishing the bail/surety bonds.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

28.06.2021

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No