

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-21589 of 2020

Date of Decision: 11.01.2021

Naresh Kumar

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. APS Rehan, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.11 dated 10.02.2018 under Sections 420 and 120-B IPC registered at Police Station Kalanaur, District Gurdaspur.

Learned counsel for the petitioner has argued that the petitioner was released on bail vide order dated 15.05.2018 passed by learned Additional Sessions Judge, Gurdaspur. However, since the petitioner skipped the date of hearing before the trial Court on 10.09.2018,

his bail/surety bonds were cancelled and non-bailable warrants were issued against him. The petitioner again approached learned Additional Sessions Judge, Gurdaspur, for grant of pre-arrest bail, which was granted to him vide order dated 15.01.2019 and he was ordered to surrender within 10 days and the trial Court was directed to admit him on bail. However, the petitioner could not arrange local sureties of District Gurdaspur and resultantly, he was declared as proclaimed offender vide order dated 10.06.2019. The petitioner is in custody since 16.06.2020.

Learned State counsel does not dispute the custody of the petitioner.

I have heard learned counsel for the parties.

Admittedly, the petitioner was already on bail and it is on account of his absence before the trial Court, his bail bonds were cancelled and non-bailable warrants were issued against him. Thereafter, pre-arrest bail was granted to him and he was ordered to surrender within 10 days, but as he could not arrange local sureties of District Gurdaspur, he was declared as proclaimed offender vide order dated 10.06.2019 and thereafter, he was arrested in the case on 16.06.2020. Considering the fact that the petitioner is in custody since 16.06.2020 and trial in the case will take sufficiently long time and no useful purpose will be served to keep the petitioner in custody, I deem it appropriate to release him on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

However, the petitioner shall continue to appear before the trial Court and shall not hamper the trial in any manner.

January 11, 2021
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?	Yes / No
Whether reportable?	Yes / No