

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

**CRM-M No.28340 of 2021
Date of Decision: 03.08.2021**

Vijay Kumar

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Kamal Narula, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

(Through Video-Conferencing)

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.8 dated 09.01.2015, registered under Sections 457 and 380 of Indian Penal Code, 1860 at Police Station Guruharsahai, District Ferozepur.

Office has pointed out that earlier CRM-M No.12510 of 2015 was filed and the petitioner has shown the present petition to be the first petition under Section 439 Cr.P.C.

Learned counsel for the petitioner submits that the petitioner in para No.3 of the petition has mentioned that earlier he was granted regular bail on 27.04.2015 but due to some misconception, he could not elaborate the aforesaid petition in terms of its criminal miscellaneous number. The petitioner was granted regular bail in the aforesaid FIR on 27.04.2015 by the High Court in CRM-M No.12510 of 2015. Thereafter, the

petitioner was declared as 'Proclaimed Offender' vide order dated 02.02.2017 passed by the trial Court. The petitioner was arrested only on 19.03.2021 and since then he is in custody. Learned counsel for the petitioner submits that the absence of the petitioner for the period in question though could not be explained with reference to conclusive explanation, but keeping in view the allegations and nature of accusation against the petitioner, he is ready to furnish heavy bail bonds and surety bonds to the satisfaction of the trial Court.

Learned State counsel, however, opposed the prayer of learned counsel for the petitioner on the ground that the petitioner in the event of grant of bail, may again flee from justice as he has already delayed the trial for about 4 years. Now, the case is fixed for 18.08.2021 before the trial Court for PWs.

Be that as it may, I deem it appropriate to enlarge the petitioner on regular bail subject to the conditions that the petitioner shall furnish heavy bail bonds/surety bonds to the satisfaction of the trial Court.

The present petition stands disposed of.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

August 03, 2021

geeta

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No