

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

CRM-M-28417-2021
Date of decision: 10.08.2021

Sunny

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI, JUDGE

Present: Mr. Suresh Singla, Advocate for the petitioner.
Mr. H.S. Multani, AAG, Haryana.
*(The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court.)*

ARUN PALLI, J. (Oral)

Vide this petition under Section 439 of Cr.P.C., the petitioner prays for a regular bail in FIR No.120, dated 01.06.2018, under Sections 399, 402, 411 of IPC, registered at Police Station Kotwali Bathinda, District Bathinda.

Learned counsel for the petitioner submits that the petitioner was taken in custody on 01.06.2018, and vide order dated 01.08.2018 he was enlarged on bail by Additional Sessions Judge, Bathinda. He submits that the petitioner continued to appear in the proceedings till 07.07.2019, but he failed to appear on 08.07.2019 as he was under a belief that the matter was listed for 08.08.2019. However, on gaining knowledge that his bail has been cancelled and his surety bonds have been forfeited, for being absent on 08.07.2019, he surrendered on 20.07.2019. Whereafter, he was released on bail on 03.10.2019. Though he continued to appear from 11.10.2019 to 31.10.2019, but again owing to his purported illness he did not appear on 20.11.2019 till he was re-arrested on 23.04.2021 and thus he has been in

custody for a considerable time.

Learned State counsel does not dispute the factual position as set out above. On being pointedly asked, he submits although the challan has been presented but the charges are yet to be framed and the prosecution intends to examine as many as 24 witnesses.

Ex facie, the petitioner has been remiss/ negligent. However, he has been in custody for a period of six months including a period of 3½ months post his re-arrest. For charges are yet to be framed, there is a remote possibility of the trial being concluded in the immediate future.

In the wake of the above and without adverting to the merits of the case, this Court consider it appropriate to enlarge the petitioner on regular bail.

Accordingly, the petition is allowed. The petitioner is ordered to be released on bail subject to furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate. Nothing expressed hereinabove shall constitute an expression of any opinion on the merits of the case of either parties.

(Arun Palli)
Judge

10.08.2021
Rajan

Whether speaking / reasoned:
Whether Reportable:

YES
NO