

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

CRM-M No.31454 of 2021

Date of decision : September 28, 2021

Hardev Singh @ Hunter

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Deepak Aggarwal, Advocate and
Mr. Akhil Aggarwal, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

Custody certificate of the petitioner has been filed in the Court today and the same is taken on record.

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.51, dated 30.05.2017, registered under Sections 325, 323, 506, 149 and 379-B IPC, at Police Station Cantt., District Bathinda.

Learned counsel for the petitioner argues that the petitioner was granted concession of bail in the present FIR but unfortunately due to some unavoidable circumstances, the petitioner did not attend the Court proceedings and was ultimately declared a proclaimed offender. Learned counsel further submits that the petitioner was arrested on 12.05.2021 and he is behind bars for the last more than 4½ months. Learned counsel for the petitioner argues that the only allegation against the petitioner in the FIR is of a *lathi* blow upon victim and therefore, keeping in view the facts and

circumstances of this case, he be granted the regular bail, especially in view of the fact that the wife of the petitioner is in family way and nobody is there to look after her.

Learned State counsel submits that the petitioner has already misused the concession of grant of bail once, therefore, he is not entitled for the same again, especially in view of the fact that despite being declared a proclaimed offender, he did not join the Court proceedings but was only arrested by the police on 12.05.2021.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

No doubt, the conduct of the petitioner is deplorable that he despite being granted the concession of bail, did not adhere to the terms and conditions of the bail, but as the petitioner is already behind bars for the last more than 4½ months and his wife is in family way and nobody is there to look after her, the petitioner has made out the case for the grant of regular bail.

Learned counsel for the petitioner undertakes that petitioner will abide by the conditions imposed by the trial Court and will not influence trial in any manner including influencing the witnesses and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

(HARSIMRAN SINGH SETHI)
JUDGE

September 28, 2021

sarita

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No