

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

CRM-M-28960-2020

Date of Decision: 8th November, 2021

Balwinder Singh @ Binda

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Sandeep Verma, Advocate for
Mr. Ravi Malhotra, Advocate
for the petitioner.

Mr. Amit Mehta, Senior Deputy Advocate General, Punjab
for the respondent-State.

AVNEESH JHINGAN , J.(Oral)

1. This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No.78, dated 09.07.2016, under Section 379-B of Indian Penal Code, 1860, registered at Police Station Bhogpur, District Jalandhar.

2. The FIR was registered on the statement of Amandeep Kaur. As per the allegations on 9th July, 2016 a gold chain of the complainant was snatched by two unknown persons. Petitioner was named in a disclosure statement by the co-accused. Petitioner was granted bail but he absented, resultantly, he was declared proclaimed offender on 3rd January, 2018.

3. Learned counsel for the petitioner submits that the reason for absence of the petitioner was that he was in custody in other FIR. He further submits that co-accused in the present FIR were acquitted. He further submits that co-accused in other FIRs in which petitioner was named have also been acquitted. He relies upon order dated 27th February, 2020 whereby the petitioner was granted bail in FIR No. 63, dated 04.04.2017.

4. Learned State counsel opposes the prayer for grant of bail. He submits that petitioner was able to delay the trial by absenting himself. He further submits that petitioner was involved in six more FIRs and in one case he was convicted.

5. Petitioner is in custody in this FIR since 21st July, 2020, challan stands presented. Charges are yet to be framed. Considering the facts and circumstances in totality, especially that the co-accused were acquitted in the present FIR, the petitioner is granted bail subject to furnishing of surety of Rs.1,00,000/- to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

6. The petition is allowed.

7. Needless to say that in case there is a misuse of the bail granted to the petitioner, State shall be at liberty to avail the remedy in accordance with law.

(AVNEESH JHINGAN)
JUDGE

8th November, 2021

Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No