

S.No.232

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

CRM-M-32780 of 2020 (O&M)

Date of Decision:18.03.2021

Jasvir Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK SIBAL

Present:- Mr. Parvinder Singh, Advocate for the petitioner.`

Mr. S.S. Deol, DAG, Punjab.

DEEPAK SIBAL, J.(Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C for the grant of regular bail in FIR No.112 dated 29.09.2018 registered under Section 420 IPC at Police Station Rahon, District SBS Nagar.

Briefly stated, the case of the prosecution is that the petitioner approached the complainant to sell to him a tract of land; after the deal was struck between the parties, the petitioner received from the complainant an amount of Rs.10 lakhs as earnest money; however, he failed to get the sale deed executed; thereafter another sum of Rs.2 lakhs was demanded and received by the petitioner from the complainant and even thereafter, he failed to get the sale deed registered.

In the present case the petitioner was granted bail by the trial Court but he, without any permission from the trial Court absented himself from the Court proceedings from 20.08.2019 and could be re-arrested only on 29.02.2020.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; report under Section 173 Cr.P.C has already been filed, therefore, the petitioner is not in a position to influence

the investigation and that the petitioner's trial which is yet to begin is likely to take long time to conclude.

With regard to the absence of the petitioner from the Court proceedings, learned counsel for the petitioner submits that for such lapse on his part, he has already suffered incarceration for over a year.

Learned State Counsel opposes the prayer of the petitioner on the ground that the petitioner is a habitual offender as he has five other criminal cases pending against him as also on account of the petitioner's conduct as he had absented himself from Court proceedings.

On the issue of other criminal cases against the petitioner, learned counsel for the petitioner submits that in all the cases this Court has granted regular bail to the petitioner and such bail was granted after taking into account that the petitioner had absented himself from Court proceedings. One of the orders of this Court passed in CRM-M-15635-2020 – Jasvir Singh v. State of Punjab reads as under:-

“Petitioner seeks benefit of regular bail pending trial in FIR No.0128 dated 14.11.2018 under Sections 323, 353, 186 and 332 IPC registered at Police Station Rahon, District SBS Nagar.

Counsel for the parties have been heard.

It has gone uncontroverted that petitioner had been granted benefit of bail, however, petitioner having absented from trial proceedings, his bail order, bail-bonds and surety bonds were cancelled and forfeited in the light of order dated 20.08.2019 passed by the competent Court.

Petitioner thereafter was arrested on 29.02.2020.

Undoubtedly, petitioner had absented from trial proceedings. Be as it may, he has now faced incarceration for the last about 8 months.

Trial would take time to conclude particularly keeping in view the current Covid-19 situation.

Without making any observation on merits, petitioner is held entitled to the benefit of bail.”

Similar orders have been passed by this Court in CRM-M-17106 of 2020 – Jasvir Singh v. State of Punjab; CRM-M-17104 of 2020 – Jasvir Singh Kang @ Jasvir Singh v. State of Punjab and CRM-M-13418 of 2020 – Jasvir Singh v. State of Punjab and another.

In view of the above orders passed by this Court; the report under Section 173 Cr.P.C having already been filed and since in the petitioner's trial, none of the prosecution witnesses have been examined the same is likely to take long time to conclude, the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, SBS Nagar, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

March 18, 2021
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(DEEPAK SIBAL)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No