

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

CRM-M-40431-2020

Date of Decision: 16.11.2021

Jagga Singh alias Joga Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr.Pankaj Kundra, Advocate,
for Mr. Deepak Sabharwal, Advocate,
for the petitioner.

Mr. M.S.Nagra, AAG, Punjab.

AMOL RATTAN SINGH, J. (Oral)

The petitioner had been admitted to interim bail by this court on
December 09,2020, with the following order passed:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

This petition has been filed under the provisions of Section 439 of the Cr.P.C. seeking 'regular bail' for the petitioner in case FIR no. 302 dated 04.12.2018, registered at Police Station City Kapurthala, District Kapurthala, for the alleged commission of offences punishable under Sections 307/323/326 of the IPC.

Learned counsel for the petitioner submits that though the petitioner was earlier declared to be a Proclaimed Offender upon him having jumped bail and having been arrested six months thereafter, however, he now having been in custody for one year, with the trial not even having started and he having “learnt his lesson” (as contended), he may be admitted to at least interim bail, with stringent conditions imposed.

Learned State counsel naturally opposes grant of even interim bail on the ground that the petitioner may abscond.

Upon query however, he does not deny that the petitioner is actually a permanent resident of District Kapurthala and that out of 17 prosecution witnesses, none has been examined so far.

That being so, naturally without making any comment on the actual merits of the case, simply looking at the period of custody of the petitioner, the stage of trial, the fact that he is also stated to have no other criminal antecedents, as also in view of the ongoing pandemic, he is ordered to be admitted to interim bail to the satisfaction of the learned trial court/CJM/Duty Magistrate concerned, till the next date of hearing before this court.

However, that court would ensure that the bail bonds and surety to be furnished by the petitioner are of sufficient amount to try and ensure that he does not abscond, in the meanwhile.

Adjourned to 25.03.2021.”

Even today, learned State counsel submits that, as per his instructions, only one prosecution witness out of 17 has been examined.

Upon specific query he submits that, as per his instructions, there is nothing to suggest that the petitioner has misused the concession of interim bail.

That being so, without making any comment whatsoever on the actual merits of the case, the petition is allowed, with the interim order dated 09.12.2020 made absolute, on the same terms and conditions.

November 16, 2021

dharamvi

**(AMOL RATTAN SINGH)
JUDGE**

Whether reasoned/speaking : Yes
Whether reportable : No