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

CRM-M No.17284 of 2022 (O&M)

Date of decision: 02.05.2022

Raj Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. K.S. Siwach, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.110 dated 15.06.2015, for offence punishable under Sections 420 and 120-B of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Sadar Fazilka, District Fazilka.

Counsel for the petitioner has submitted that the petitioner was granted the concession of regular bail and was facing the trial when he absented from the Court proceedings and was declared a proclaimed offenders on 02.05.2019 and in the meantime, the other co-accused of the petitioner, who faced the full length trial, were acquitted by the Chief Judicial Magistrate, Fazilka vide judgment dated 07.08.2019. It is also submitted that as on today, the petitioner is in custody for more than 05 months ad 06 days and the offences are triable by the Court of Magistrate and in view of the judgment of acquittal of the other

accused, there is no possibility for the prosecution to bring any new evidence, which may result into conviction of the petitioner.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 05 months and 06 days; the co-accused of the petitioner are stands acquitted; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

02.05.2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No