

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

CRM-M-17541-2022 (O&M)

Date of decision: 25.05.2022

Sikander Singh @ Babbu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Munish Garg, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 111 dated 31.10.2016 (Annexure P-1) registered under Sections 302, 148, 149, 120-B IPC and Section 25 of the Arms Act, at Police Station Sadar Mansa, District Mansa.

Learned counsel for the petitioner submits that vide order dated 12.07.2017 passed by a Coordinate Bench regular bail was granted to the petitioner; that the petitioner was regularly appearing before the Court below, but somehow he could not appear before it on 25.07.2018, following which his bail was cancelled and surety bonds were forfeited to the State and declared as a proclaimed offender on 02.01.2019; that absence of the petitioner was not intentional and rather it was due to mental status and that he, himself, surrendered on 05.01.2022 and since then he is in jail.

He further submits that as far as, the main case is concerned, the petitioner was not named in the FIR and was indicted on the basis of supplementary statement and the only attribution to him is that he was present along with the attackers, except that there is no other allegation against him.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner hampered the trial from 2018 to 05.01.2022 i.e. the date when he surrendered back, therefore, he does not deserve the concession of regular bail.

I have heard the learned counsel for the parties and have gone through the paper-book.

The petitioner has been in custody since 05.01.2022. The petitioner was not named in the FIR and was indicted on the basis of supplementary statement. The only allegation against the petitioner is that he was present with the attackers. The prosecution witnesses are yet to be examined. The conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

25.05.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No