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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-3410-2022 in/and
CRM-M-35289-2021 (O&M)
Date of Decision:14.02.2022

Joginder Singh
Vs.
State of Punjab

.. Applicant/Petitioner

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Arun Singla, Advocate for applicant-petitioner.
Mr. Ramdeep Partap Singh, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)
CRM-3410-2022

The instant application is for pre-poning the date of hearing of the main petition to an early date.

Notice in the application.

At this stage, Mr. Ramdeep Partap Singh, DAG, Punjab, accepts notice on behalf of the respondent-State and does not oppose the prayer.

Application is allowed and the date of hearing is pre-poned to today.

CRM-M-35289-2021 (O&M)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.58 dated 01.08.2016 registered under Sections 61/1/14 Punjab Excise Act at Police Station Dharamgarh, District Sangrur. The petitioner is in custody since his arrest on 22.07.2021.

Learned counsel for the petitioner has argued that the alleged offence was committed on 01.08.2016 and after registration of the case, the petitioner was released on regular bail, who continued to attend the trial

regularly till 16.09.2019. He submitis that the petitioner absented on two dates and immediately thereafter, there was breakout of pandemic Covid-19, therefore, he could not appear before the Court and was declared proclaimed offender vide order dated 08.06.2021. He submits that the petitioner had surrendered before the trial Court on 22.07.2021 and since then, he is in judicial custody. He prays for bail.

Learned State counsel assisted by ASI Narinder Singh, does not dispute the above sequence of events and states that out of total nine prosecution witnesses, five have already been examined. He has further produced the custody certificate of the petitioner filed by way of affidavit of Prabhjot Singh Sidhu, Officiating Deputy Superintendent Administration, New District Jail Nabha, which indicates that he is not involved in any other case.

Considering the above background, custody petriod of the petitioner and nature of the offence, this Court is of the opinion that the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 22.07.2021.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

14.02.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No