

CRM-M-32069-2022

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

CRM-M-32069-2022

Date of decision:28.10.2022

Komal Singh alias Gurmail Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Sandeep Sharma, Advocate,
for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case FIR No.15 dated 27.02.2015, registered at Police Station Cantt. Jullundur (Cantt. Jalandhar), District Jalandhar City, under Sections 406 and 420 IPC.

As per the case of the prosecution, the petitioner, an ex-serviceman, had duped the complainant of Rs.25,000/- on the pretext of getting him recruited in the army.

Learned counsel for the petitioner contends that after having been granted the benefit of regular bail, the petitioner had been regularly appearing before the trial Court; that however during the pendency of trial, the petitioner absented himself from the court proceedings and ultimately, he was declared a proclaimed offender on 12.05.2017; that on 05.02.2022, the petitioner was re-arrested and since then, he has been in custody, and that there is no other case registered or pending against the petitioner.

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On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner had evaded the process of law and was ultimately re-arrested on 05.02.2022. He also submits that during absence from the court proceedings, no illegal act was committed by the petitioner.

I have heard the learned counsel for the parties.

Vide order dated 03.04.2015 passed by learned Judicial Magistrate Ist Class, the petitioner had been granted the benefit of regular bail. However during the pendency of trial, the petitioner absented himself from the court proceedings and was ultimately declared a proclaimed offender.

Challan has already been presented. The petitioner has been in custody since 05.02.2022. The prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon. There is no other case registered or pending against the petitioner. Therefore, 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 present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

28.10.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No