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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-44234-2022

Decided on: 17.11.2022

Gurjit Singh

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Rajeev K. Kapila Advocate,
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of Code of Criminal Procedure for seeking grant of regular bail in case FIR No.0141 dated 11.09.2019, under Section 21(1) of the Mines & Minerals (Regulation and Development) Act, 1957 and Sections 379 & 411 IPC, registered at Police Station Bullowal, District Hoshiarpur.

It has been submitted by learned counsel for the petitioner that the petitioner was earlier granted regular bail by the learned trial Court and he has been regularly attending the proceedings but thereafter, on 20.04.2022, he absented himself from the Court proceedings in view of the fact that his mother was admitted in Patel Hospital, Jalandhar and it was beyond his control to have appeared before the learned trial Court in view of the emergent medical difficulty in the family especially when his mother was admitted in hospital, and thereafter, his mother was discharged on 02.06.2022 but in the meanwhile, arrest

warrants were issued against him and thereafter, he was arrested on 07.06.2022 and was rather produced by his surety and the surety was accordingly discharged. He further submitted that it is a case where the allegations against the petitioner were with regard to the theft of one trolley of sand. He also submitted that the petitioner is not a habitual offender and is not involved in any other case and rather he has been falsely implicated in the present case. He further submitted that the fact that he absented himself for short while because his mother was admitted in the hospital and it cannot become a ground for denial of the bail now indefinitely and has, therefore, has prayed that the petitioner may be considered for the grant of regular bail.

On the other hand, Mr. Kunal Vinayak, learned AAG, Punjab, has submitted that the total custody of the petitioner is around 6 months and earlier he had absented himself but thereafter, he was arrested. He further submitted that it is corrected that the petitioner is not a habitual offender and he is not involved in any other case.

I have heard the learned counsel for the parties.

It is a case where the petitioner was earlier granted bail but due to aforesaid reasons as mentioned by the learned counsel for the petitioner that the mother of the petitioner was admitted in hospital, he could not appear on the dates and arrest warrants were issued against him, cannot be ignored, since this Court is of the view that considering the background of the petitioner that he is not a habitual offender and is not involved in any other case, the aforesaid absence from the Court cannot become a ground for denial of bail of the petitioner indefinitely.

In view of the aforesaid reasons, this Court deems it fit and proper

to grant bail to the petitioner. Consequently, the present petition is allowed. The petitioner shall be released on bail subject to the appropriate terms and conditions to the satisfaction of the trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

17.11.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |