

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-49456 of 2021 (O&M)

Date of Decision:16.03.2022

Varinder Singh

.....Petitioner

Versus**State of Punjab**

..... Respondent

CORAM:- HON'BLE MR. JUSTICE VINOD S. BHARDWAJPresent: Mr. Vaibhav Narang, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG., Punjab.

VINOD S. BHARDWAJ, J(Oral)

The instant petition is for seeking concession of regular bail in case FIR No. 249 dated 23.06.2016 offence under Sections 379 B (2) IPC (Sections 323/34 IPC added later on), registered at Police Station Civil Lines, District Police Commissionerate Amritsar.

Learned counsel for the petitioner inter alia contends that the FIR in question was registered on 23.06.2016 and that the petitioner was eventually enlarged on bail, however, with the onset of the COVID scenario, the petitioner could not appear in the proceedings before the learned Trial Court. Consequently, vide order dated 05.03.2021, the petitioner was declared as a proclaimed person. It is contended that the petitioner was thereafter arrested on 09.05.2021 and that he has been in custody since then. It is further pointed out that even though the FIR pertains to the year 2016, however, only four witnesses have been examined so far. Trial is likely to take long time.

Learned State counsel has opposed the petition by submitting that the petitioner had absconded from proceedings and had been declared as a proclaimed person. It is further pointed out that he is accused in two more cases that have been registered against him under Section 307 IPC. It is urged that the accused has not been enlarged on bail in case FIR No. 58 dated 16.03.2021, registered under Section 307 IPC, Police Station

A- Division, Amritsar.

It is however not controverted by him that the petitioner was earlier released on bail with instant case and that even though he may have been declared as a proclaimed person vide order dated 05.03.2021, however, he was arrested on 09.05.2021 and he has been in actual custody for a period of ten months thereafter. The stage of trial is also not in dispute.

I have heard the rival submissions of the parties. The petitioner remained P.O. for a period of two months (approx.) and has thereafter been in custody for a period of 10 months. Besides, the trial is still at initial stages and only four witnesses have been examined in the said case. The mere fact that other cases are pending and the petitioner has not been granted the concession of bail in the same would not prohibit the extension of concession in the case in hand.

The instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

Disposed of accordingly.

[VINOD S. BHARDWAJ]
JUDGE

March 16, 2022

rekha sharma

Whether speaking/reasoned : *Yes/No.*
Whether reportable : *Yes/No.*