

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

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**CRM-M-55067-2022 (O&M)
Date of decision: 02.12.2022**

Nikhil Takhi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Mr. Gurlal Singh Dhillon, 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. 102 dated 06.05.2020 registered under Section 379-B IPC read with Section 34 IPC, at Police Station Mohakampura, District Amritsar.

Learned counsel for the petitioner submits that the petitioner was granted anticipatory bail by a Coordinate Bench vide order dated 01.11.2021; that the petitioner was regularly appearing before the learned trial Court but on 24.11.2021, he could not appear before the learned trial Court due to some unavoidable circumstances and he was declared a proclaimed offender on 04.05.2022; that he surrendered himself on 12.05.2022 and since then he has been in custody.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner along with other co-accused have actively participated in the crime, they were having pistol and snatched two mobile phones. However, he does not dispute the custody period of the petitioner and

the fact that earlier anticipatory bail was granted to the petitioner by a Coordinate Bench vide order dated 01.11.2021. He submits that challan has been presented by the charges are yet to be framed.

I have heard the learned counsel for the parties.

The petitioner was granted anticipatory bail by Coordinate Bench vide order dated 01.11.2021, thereafter he was regularly appearing before the learned trial Court, but due to some unavoidable circumstances he could not appear before the learned trial Court on 24.11.2021 and after declaring a proclaimed offender on 04.05.2022, he himself surrendered on 12.05.2022 before the learned trial Court and since then he has been in custody. The charges are yet to be framed, therefore, 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 and the fact that the petitioner himself surrendered before the learned trial Court, 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

02.12.2022
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No