

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

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CRM-M-56012-2022  
Date of decision :07.12.2022

Parminder Singh @ Pamma

... Petitioner

Versus

State of Punjab

... Respondent

***CORAM: HON'BLE MR.JUSTICE VIKAS BAHL***

Present: Mr. Prabhjot Singh, Advocate for  
Mr. J.S.Thakur, Advocate for the petitioner.

Mr. Ramdeep Pratap Singh, Sr. DAG, Punjab.

**VIKAS BAHL, J.(ORAL)**

This is the second petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No. 199 dated 22.11.2019 registered under Sections 323, 324, 341, 506, 148 & 149 IPC and Sections 325 and 308 IPC added later on at Police Station Mehatpur, District Jalandhar Rural.

Learned counsel for the petitioner has submitted that he had filed the earlier bail application which was dismissed as withdrawn on 21.11.2022 with liberty to file a fresh petition after giving full and better particulars. The present petition has been filed after giving full and better particulars thus, although the present petition has been nomenclatured as the second petition for regular bail but is in effect, it is the first petition for regular bail. It is further submitted that the petitioner was granted the concession of regular bail by the Additional Sessions Judge, Jalandhar vide order dated 12.02.2020 in the FIR in question and thereafter the petitioner could not appear on one date i.e. 08.11.2021 and the petitioner had filed

anticipatory bail application which was ultimately dismissed on 10.05.2022 with liberty to file an appropriate petition challenging the order dated 08.11.2021. Thereafter, the petitioner was arrested on 06.10.2022 and since then the petitioner is in custody and thus, prays that in case, the petitioner is granted bail, he undertakes to appear on each and every date before the trial Court except the date on which his personal appearance is specifically exempted by the Court.

Learned State counsel, on the other hand, has opposed the present petition for regular bail to the petitioner and submitted that the petitioner was aware of the proceedings and yet had absented himself on 08.11.2021 and thus does not deserve for concession of regular bail.

Keeping in view the above said facts and circumstances moreso the fact that the petitioner was earlier granted regular bail vide order dated 12.02.2020 passed by the Additional Sessions Judge, Jalandhar and thereafter, he missed one date i.e 08.11.2021 and has been in custody since 06.10.2022 and the challan has already been presented and there are 14 prosecution witnesses, out of which, only one has been examined thus, the conclusion of the trial is likely to take time, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

The petitioner is directed to give an undertaking before the trial Court within a period of two weeks from the date of release that he will appear on each and every date except the date on which his personal appearance is specifically exempted.

It is made clear that in case, the said undertaking is not given

by the present petitioner, then the present petition would be deemed to have been dismissed.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)  
JUDGE

December 07, 2022  
Rajeev (rvs)

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|-----------------------------|--------|
| Whether speaking / reasoned | Yes/No |
| Whether reportable          | Yes/No |