

CRM-M-58571 of 2022

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

CRM-M-58571 of 2022
Date of decision:20.12.2022

Balwinder Singh Sandhu

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. A.S. Dhindsa, Advocate, for the petitioner.
Mr. Ravinder Singh, AAG, Punjab.

NAMIT KUMAR, J. (ORAL)

This second petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.62 dated 30.03.2008 under Sections 419, 170, 189, 507 IPC, registered at Police Station Phillaur, District Jalandhar.

Learned counsel for the petitioner submits that present FIR was registered in the year 2008 and thereafter petitioner was released on bail by the Court below. He submits that petitioner is innocent and has been falsely implicated in this case. Petitioner faced the trial in this case for four years. Petitioner is an NRI and having his business in Canada, therefore, he is not able to stay in India for a long period. He further submits that nothing is to be recovered from the petitioner. He is behind the bars since 28.08.2022. He is ready to face the trial. Trial is likely to take a considerable time to conclude. Therefore, no fruitful purpose would be served by detaining the

CRM-M-58571 of 2022

petitioner behind bars during trial.

Per contra, learned State counsel, appearing on advance notice, opposes the prayer for grant of regular bail to the petitioner by submitting that petitioner remained absent from the process of law for a long time and if grant bail, he can again abscond.

I have heard learned counsel for the parties and perused the record.

Perusal of file shows that petitioner absented himself on 15.05.2012 during the course of trial and was declared proclaimed offender on 09.05.2013. In gross violation of the conditions of bail, petitioner fled away to Canada. He remained absent for more than ten years, which resulted into delay in trial. Petitioner was arrested on 28.08.2022 and behind bars only for the last about four months. As per learned counsel for the petitioner, petitioner is an NRI having business in Canada. Moreover, five more cases are pending against the petitioner. Thus, in case petitioner is granted bail, there is every possibility that he may again violate the conditions of bail and fled away to Canada. Thus, at this stage, when the petitioner is behind bars only for the last about four months, this Court does not deem it appropriate to extend the concession of regular bail to him.

Finding the present petition devoid of any merit, the same is dismissed.

20.12.2022
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No