

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 2431-2023 (O&M)

Date of Decision: 20.01.2023

Avtar Singh

... Petitioner

V/s.

State of UT, Chandigarh

... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Munish Thakur, Advocate for
Mr. L. S. Bhullar, Advocate
for the petitioner.

Mr. Abhinav Gupta, APP, UT, Chandigarh.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 12 dated 17.01.2011 under Sections 61/1/14 of the Excise Act registered at Police Station Sector 31, Chandigarh.

Learned counsel for the petitioner contends that the petitioner is in custody since 19.04.2022. He submits that the petitioner was granted bail by the trial Court in the abovesaid FIR and was attending the trial proceedings regularly and on account of non-appearance on one date due to some medical reasons, his bail was cancelled and his bail bonds were forfeited and pursuant to the same, he was declared proclaimed offender and later on got arrested. He further submits that the challan stands presented and out of total 12 witnesses only 05 have been examined till date and the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Custody certificate has been filed by the respondent-State, which is taken on record. Even though learned counsel appearing on behalf

of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature but does not dispute the fact that that challan stands presented and only few witnesses have been examined till date.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 19.04.2022 and as per custody certificate dated 20.01.2023 has already undergone custody of 09 months and 02 days.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, since the challan stands presented and there is no other case pending against the petitioner and trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind the bar.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

20.01.2023
seema

Whether speaking/reasoned	Yes
Whether Reportable	Yes /No