

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

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CRM-M-3128-2023

Date of Decision: 25.01.2023

Deepak Kumar**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present:- Mr. Vishal Thakur, Advocate for the petitioner

Mr. Digvijay Nagpal, AAG, Punjab

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner, through instant petition under Section 439 Cr.P.C., is seeking regular bail in FIR No.282 dated 16.12.2020 under Sections 363, 366-A of IPC (offence under Section 366-A deleted later on and offence under Section 366 IPC added later on), registered at Police Station City, District Hoshiarpur.

2. Learned counsel for the petitioner, *inter alia* contends that petitioner was arrested on 16.12.2020 and thereafter released on regular bail vide order dated 27.01.2021 passed by Trial Court. The petitioner failed to appear before Trial Court on 21.02.2022 and he was declared proclaimed offender vide order dated 17.09.2022. The petitioner surrendered on 03.11.2022 and since then he is in custody. The prosecutrix in her statement under Section 164 Cr.P.C. has not made any allegation against the petitioner. The petitioner is not involved in any other offence. The petitioner has been wrongly implicated in the

commission of alleged offence. The petitioner is permanent resident of District Hoshiarpur. The petitioner has deep roots in the society. There is no possibility of flee from justice. The petitioner undertakes to appear before Trial Court on each and every date and face the trial.

3. Custody certificate dated 24.01.2023 is taken on record. Registry is directed to tag the same at appropriate place.

4. Learned State Counsel submits that it is factually correct that prosecutrix in her statement under Section 164 Cr.P.C. has not made allegation against the petitioner and he was initially released on regular bail on 27.01.2021.

5. I have heard the arguments of learned counsel for the parties and scrutinized the record.

6. The petitioner was arrested alleging commission of offence punishable under Section 363 and 366 IPC and was released on regular bail within less than one month. The petitioner since 03.11.2022 is in custody on account of non-appearance before the Trial Court. The petitioner has undertaken to appear before Trial Court on each and every date and face trial. The prosecutrix in her statement under Section 164 Cr.P.C. has not implicated the petitioner.

7. In view of above facts and circumstances, this Court is of the considered opinion that present petition deserves to be allowed and accordingly allowed. The petitioner is ordered to be released on bail

subject to conditions as may be imposed by Trial Court/Illaqa/Duty Magistrate concerned.

8. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

25.01.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>