

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.220

CRM-M-4293-2023

Date of decision: 21.02.2023

Surinder Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. S.K. Choudhary, Advocate
for the petitioner.

Mr. A.P.S. Tung, DAG, Punjab.

* * *

DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.40 dated 14.07.2019 registered under Sections 61, 1, 14 of the Excise Act, 1958 (for short – the Excise Act) at Police Station Sadar, District Pathankot.

The petitioner was and is being prosecuted under the Excise Act. He sought and got bail but thereafter absented from his trial. For that reason he was declared a proclaimed offender and later re-arrested.

Learned counsel for the petitioner submits that after securing bail, the petitioner had been regularly appearing in his trial; it was only on one date that he could not appear as he had wrongly noted the date; the petitioner's non-appearance was bona fide; after having been declared a proclaimed offender, the petitioner has undergone 02 months and 03 days of custody and that the petitioner undertakes to appear on all dates in his trial in the future unless specifically exempted.

Learned State counsel opposes the grant of bail to the petitioner on the ground that on an earlier occasion the petitioner had been declared a proclaimed offender.

After securing bail the petitioner was regularly appearing in his trial; he did not appear only on one date on account of which the petitioner was declared a proclaimed offender; after his re-arrest the petitioner has been in custody for 02 months and 03 days; investigation in the case against the petitioner under the Excise Act is complete and that the

petitioner undertakes to appear on all dates in his trial in the future, unless specifically exempted.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Pathankot, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

February 21, 2023
Jyoti 1

(DEEPAK SIBAL)
JUDGE

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