

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

(217)

CRM-M-10714 of 2023
DATE OF DECISION:-09.03.2023

Kulvir Singh

...Petitioner

vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Mandeep Kumar Dhot, Advocate, for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J.

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of regular bail in case FIR No.79 dated 04.06.2019 under Sections 379, 411 IPC, 1860, registered at Police Station Dirba, District Sangrur (Annexure P-1).

In the present case, petitioner was originally granted concession of regular bail by the trial Court vide order dated 16.07.2019, thereafter, he continued to appear before the Court. However, on account of illness of his brother, petitioner could not present himself during trial on 25.02.2022 onwards, resulting into issuance of non-bailable warrants against him. Finally, the petitioner was apprehended by the police on 06.01.2023 and since then, he is in custody. Learned counsel for the petitioner further submits that petitioner has already suffered a lot on account of default committed by him. Learned counsel also submits that the investigation in the present case already stands concluded with the filing of *challan* followed by framing of charges and out of the total 11 witnesses cited by

the prosecution, only 3 have been examined so far. Learned counsel further submits that the petitioner is behind the bars for a period of more than two months and the conclusion of the trial is likely to take some time, thus, the petitioner deserves concession of regular bail.

On the other hand, learned State counsel opposes the prayer made herein while submitting that the petitioner absented himself from the trial Court for a long period of more than 10 months and thus, does not deserve the concession of regular bail at this stage.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

In the present case, petitioner was granted concession of regular bail by the trial Court on 16.07.2019, however, after 25.02.2022, he could not continue to appear before the trial Court. Learned counsel for the petitioner has explained his absence by submitting that the same was due to the illness of his brother who subsequently expired. Vide order dated 08.07.2022, his bail order was cancelled and it appears that on account of issuance of non-bailable warrants against him apprehending his arrest, the petitioner did not appear before the trial Court and was finally apprehended on 06.01.2023. The petitioner, thereafter, has already suffered incarceration for a period more than 2 months now and the trial is likely to take some time as 3 out of the total 11 witnesses as cited by the prosecution, have only been examined so far, thus, the petitioner deserves the concession of regular bail.

Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be

released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

However, nothing expressed hereinabove shall be construed as an expression on the merits of the case.

09.03.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No

whether reportable: Yes/No