

(130+224)

2023:PHHC:113182

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

CRM No.36411 of 2023 in/and

CRM-M-35963 of 2023

Date of Decision: August 29, 2023

Bhupinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. J.S. Jaidka, Advocate for the applicant- petitioner.
Mr. M.S. Nagra, AAG, Punjab.
Mr. Aditya Partap Singh, Advocate for the complainant.

DEEPAK GUPTA, J.(Oral)

CRM No.36411 of 2023

This is an application to place on record copy of the order dated 25.11.2021 passed by the trial Court as Annexure P.3.

Application is allowed. Annexure P.3 is taken on record.

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By way of present petition filed under Section 439 Cr.P.C., petitioner has prayed for grant of regular bail in case FIR No.1 dated 05.01.2019 registered under Sections 323, 341, 506, 34 IPC at Police Station Sadar, Ludhiana, District Ludhiana.

Petitioner was on bail in the afore-said case. He applied for permission to go abroad from 01.12.2021 to 31.03.2022. Permission was granted to him vide order dated 25.11.2021 (Annexure P.3) subject to the condition that he shall furnish bank guarantee/ FDR in the sum of ₹5 lacs and to furnish the indemnity bond with one surety in the like amount. He was allowed to go abroad only for the period from 01.12.2021 to 31.03.2022. However, petitioner not only went abroad without furnishing the bank guarantee as per order dated 25.11.2021 but he even

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over-stayed there. When he surrendered, counsel for the petitioner made a statement before the Court to the effect that petitioner had not even gone abroad in the bail application.

Learned counsel for the petitioner submits that a wrong statement was made by the counsel representing the petitioner. In fact, petitioner had gone abroad and now he is in custody since 12.07.2023. Learned counsel further submits that stringent conditions may be imposed to grant the bail to the petitioner and that offence in question is bailable, so bail be granted to him.

Opposing the bail petition, learned State Counsel, assisted by learned counsel for the complainant, submits that if the petitioner is allowed bail, he may again leave for abroad and that trial may not conclude.

Having regard to the nature of allegations against the petitioner and the fact that petitioner is in custody since 12.07.2023, petitioner is admitted to bail on his furnishing personal bonds and surety bonds to the satisfaction of learned Chief Judicial Magistrate/ Duty Magistrate concerned.

However, it is made clear that petitioner shall surrender his passport before the trial Court, which shall not be released till conclusion of trial.

Disposed of.

(DEEPAK GUPTA)
JUDGE

August 29, 2023
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Whether reasoned/speaking: Yes/No
Whether reportable: Yes/No