

2023:PHHC:123669

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

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CRM-M-46177-2023

Date of decision : 20.09.2023

Sunil Kumar

..... Petitioner

versus

State of U.T., Chandigarh

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Harish Bhatti, Advocate
for the petitioner.

Mr. Viranjeet Singh Mahal, Addl. P.P. U.T. Chandigarh
assisted by ASI Kiranpal.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.249 dated 07.08.2020, registered for the offences punishable under Sections 379-A, 356 and 34 of IPC, 1860 (Section 411 of IPC, 1860 added later on), at Police Station Sector-39, Chandigarh.

2. Petitioner was granted indulgence by the Courts below on 04.12.2020 and he was ordered to be admitted to bail. However, the petitioner absented and was declared as 'proclaimed person' vide order dated 12.04.2023. Later on, he was again arrested on 27.04.2023 after FIR under Section 174-A was registered against him on 22.04.2023.

3. Counsel for the petitioner submits that so far as present case is concerned, challan already stands presented and thus, there cannot be any apprehension that the petitioner shall tamper with the evidence. So far as the conduct of the petitioner is concerned, the same

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can be taken care of by putting a condition, wherein the petitioner can be allowed to be released on submission of heavy surety.

4. Counsel for the State however submits that the conduct of the petitioner does not call for granting him indulgence and there is every likelihood that the petitioner shall abscond again from the process of law. Though, he does not dispute that the petitioner was earlier granted concession of bail.

5. After hearing counsel for the parties and after going through the records of the case, without commenting on the merits thereof and keeping in view the incarceration of more than 08 months and 01 day suffered by the petitioner, the present petition is allowed. However, keeping in view the conduct of the petitioner, he is ordered to be released on bail, subject to his furnishing bail/heavy surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

6. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

20.09.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No