

2023:PHHC:133687
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47435-2023
Date of Decision:13.10.2023

Dharamvir Singh @ Dharma

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Balbir Singh Jaswal, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 Cr.PC with a prayer to grant regular bail in case FIR No. 220 dated 21.08.2016 , registered under Sections 379,411,420,467,468,471,472 of IPC Police Station Sultanwind, Amritsar.

2. Learned counsel for the petitioner contends that the petitioner was initially arrested in the present case on 22.08.2016 and after the custody of 11 months, he was granted to concession of regular bail by this Court vide the order dated 11.07.2017 in CRM-M- 2741-2017 (Annexure P-2). After the grant of bail, the trial progressed and due to outbreak of Covid-19 pandemic, the petitioner was told by his counsel not to appear before the Trial Court. Learned counsel further contends that he was declared as a proclaimed person on 16.07.2022 and was arrested in the present case on 18.05.2023. Learned counsel further undertakes that the petitioner shall appear before the Trial Court on each

and every date of hearing and shall not absent himself without prior permission of the Trial Court.

3. On the other hand learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that there are chances of the petitioner fleeing from justice and does not deserve the concession of bail.

4. As per the custody certificate, the petitioner has undergone the custody of more than 01 year and 03 months in the present case. He was on bail in the present case and was regularly appearing before the Trial Court. However, later on he stopped appear before the Trial Court and was declared as a proclaimed person, but he was re-arrested on 18.05.2023 and is in custody for the last more than four months.

5 Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court

concerned.

(iv) *The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*

(v) *The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*

(vi) *In case, the petitioner involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*

(vii) *The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*

(viii) *The petitioner shall report every 1st and 3rd Monday of English calender month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha.*

6. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

(N.S.SHEKHAWAT)
JUDGE

13.10.2023
hitesh

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