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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 50087 of 2023

Date of Decision:- 30.11.2023

VISHAL BHALLA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Ritesh Pandey, Advocate,
for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

.....

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
23	27.05.2018	420, 406, 120-B IPC	Qadian, Batala, District Batala

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner has been granted regular bail in this case vide order dated 17.07.2018 passed by learned Additional Sessions Judge, Gurdaspur and he had been regularly appearing in the Court. He submits that similar FIR's arising out of the business transactions were also registered against the

petitioner in different police stations simultaneously. The petitioner got entangled in case FIR No. 174 dated 05.11.2022 under Section 306 IPC Police Station Sadar, District Hoshiarpur, wherein he was arrested, resulting in his absence from proceedings and ultimately being declared as proclaimed offender in the case as well as in other FIR's. He submits that thereafter on being arrested the petitioner has since been granted concession of bail in all other four cases vide orders Annexure P-4 (colly), however in the instant case his bail has been declined. He submits that the petitioner is in custody since 19.04.2023 and as such he prays for grant of concession of bail.

3. Learned State counsel has submitted that the petitioner has already misused the concession of bail as such he does not deserve concession of bail.

4. After considering the rival contentions and perusing the record, it is not disputed that initially petitioner is facing trial in five cases including the present case. The petitioner was granted concession of bail in all the cases and subsequently due to registration of case FIR No. 174 dated 05.11.2022 under Section 306 IPC Police Station Sadar, District Hoshiarpur, he absented from appearance and ultimately being declared as proclaimed offender in all the cases. It is the contention of the learned counsel for the petitioner that the absence of petitioner was not intentional but due to the aforesaid fact. It is also not controverted that the petitioner has since been granted concession of bail in all the four cases (Annexure P-4 colly). In the present case the petitioner is in custody since 19.04.2023 and the trial is already going on, the conclusion of trial in the present case triable by the

Court of Magistrate would take sufficient long time, and no purpose would be served by detaining the petitioner any longer.

5. Consequently, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

30.11.2023
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No