

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.50513 of 2023
Date of decision:- 19.12.2023

SAWINDER SINGH @ SONU

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Mr.Gurjinder Singh, Advocate for
for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

SANJIV BERRY, J. (ORAL)

1. 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 (Annexure P-1) :-

FIR No.	Dated	Sections	Police Station
205	05.10.2014	61 of Excise Act, 1914	Lopoke, Amritsar Rural, District Amritsar.

Wherein, petitioner was granted concession of bail and during the course of trial he absented from the proceedings and ultimately declared as proclaimed person in the case, thereafter he was arrested on 01.04.2023 and since then he is in custody.

2. It is *inter alia* contended by the learned counsel for the petitioner that the petitioner was granted bail in the case and during the course of trial he could not appear due to some unavoidable circumstances leading to his cancellation of bail and subsequent being declared as proclaimed person in the case. He submits that later on, petitioner arrested on 01.04.2023 and supplementary challan has already been presented in Court, as such, he prayed for grant of concession of bail.

3. Learned State counsel has not disputed the factual matrix of the case. He submits that the petitioner has misused the concession of bail and declared as proclaimed person, as such he is not entitled for grant of concession of bail.

4. After considering the rival contentions and perusing the record, it transpires that the petitioner was granted bail in the case originally and thereafter, he had been appearing in Court but later on absented and declared as proclaimed person. Petitioner was arrested and is in custody since 01.04.2023, supplementary challan has already been presented in Court, conclusion of trial will take sufficient long time in the case triable by the Magistrate to ascertain the criminal liability, if any, of the petitioner and no useful purpose would be served by detaining the petitioner any longer in custody.

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

19.12.2023			
Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No