

2023:PHHC:132909

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

228

CRM M-50601 of 2023
Date of Decision: 12.10.2023

Laddi

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Prateek Pandit, 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 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.64 dated 20.06.2018 registered under Sections 323, 326, 336 and 34 IPC and Sections 25 and 27 of the Arms Act at Police Station Subhanpur, District Kapurthala.

2. Learned counsel for the petitioner contends that in the present case there was delay of 04 days in lodging the FIR and the injury, which was allegedly attributed to the present petitioner, was simple in nature. Learned counsel further contends that he was granted the concession of anticipatory bail by the Court of Sessions Judge, Kapurthala vide order dated 10.10.2028 (Annexure P-3) and he had joined the investigation thereafter. He further contends that vide

order dated 09.12.2019 (Annexure P-4), charge was framed against the petitioner under Sections 336, 323 and 34 IPC and the petitioner was regularly appearing. However, due to Covid-19 pandemic, the presence of the accused were not insisted by the Courts and he did not appear before the Court on 19.10.2021. On 29.11.2021, notices were issued to the accused, but the said notice was not served upon the petitioner. Consequently, his bail was cancelled on 10.12.2021 by the trial Court. He further contends that notices issued by the Court were never served on him and the petitioner was declared as a proclaimed offender vide order dated 12.09.2022. He further contends that the petitioner was arrested on 07th June 2023 and is in custody for the last more than 04 months. Learned counsel for the petitioner further contends that the petitioner did not get the notice regarding trial proceedings and his non-appearance was unintentional. Learned counsel for the petitioner has further assured the Court that the petitioner shall appear on each and every date of hearing and shall not absent himself during the trial proceedings without prior permission of the Court.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that the petitioner was declared as proclaimed offender and has been arrested after a period of 09 months. He further contends that the petitioner may evade the process of law.

4. I have heard learned counsel for the parties and perused the record.

5. It is not in dispute that the petitioner was granted the concession of anticipatory bail vide order dated 10.10.2018 and was regularly appearing before the trial Court. Apart from that, he was again arrested in the present case on 07.06.2023 and is in custody for the last 04 months. Thus, his further custody will not serve any meaningful purpose.

6. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned 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 and the prosecution shall be at liberty to move an appropriate application for cancellation of bail granted to the present petitioner.

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

12.10.2023

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(N.S.SHEKHAWAT)**JUDGE**

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