

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-55057-2023

Date of Decision : November 08, 2023

KAMALJIT SINGH

-Petitioner

V/S

STATE OF PUNJAB

-Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Monty Goyal, Advocate
for the petitioner.

Mr. Karunesh Kaushal, A.A.G, Punjab.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as instituted under Section 439 of the Cr.P.C., the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.54 dated 25.05.2019, under Section(s) 61/1/14 of the Punjab Excise Act, 1914, registered at P.S. Rahon, District S.B.S Nagar.
2. The learned counsel for the petitioner submits that earlier the petitioner was granted the concession of regular bail by the learned trial Court concerned and he was regularly appearing before the learned trial Court concerned. However, due to outbreak of COVID-19 pandemic, the trial proceedings came to a halt and the petitioner did not have any knowledge about the subsequent date of hearing, as fixed before the trial Court concerned. Therefore, such unawareness about the subsequent date of hearing led to unintentional absence of the petitioner before the learned trial Court and consequently, he was declared as 'Proclaimed Offender'. Such proclamation led to arrest of the petitioner, who has been in custody since 06.04.2023.

3. The learned counsel for the petitioner further submits that the trial proceedings have reached at the stage of defence evidence, therefore, if the petitioner is enlarged on regular bail, he would be able to defend his case in a better way, through adducing cogent defence evidence. He further undertakes that, in case the petitioner is granted the asked for relief, he will regularly appear before the learned trial Court concerned and will not absent himself on any subsequent date of hearing.

4. The learned State counsel, on instructions imparted to him by A.S.I. Harinder Singh, corroborates the submission of the learned counsel for the petitioner, that all the prosecution witnesses have been examined and now the trial proceedings are fixed for defence evidence and arguments.

5. Considering the hereinabove made submissions, coupled with the fact that the petitioner has been in custody since 06.04.2023, this Court deems it appropriate to grant the concession of regular bail to the petitioner, however, with a condition that he shall remain present before the learned trial Court concerned on each and every date, besides he will not cause any hindrance in the conclusion of the trial. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

6. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

November 08, 2023
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No