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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-5846-2024

Date of decision:- 08.02.2024

GURDEEP SINGH

....Petitioner

Versus

STATE OF U.T. CHANDIGARH

... Respondent

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

Present:- Mr. Baljinder Singh Saini, Advocate,
for the petitioner.
Mr. Shashank Bhushan, Addl. PP, U.T. Chandigarh.

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 in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
258	08.06.2018	406 and 420 IPC	Manimajara, District Chandigarh

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that petitioner was on regular bail vide order dated 12.10.2018 passed by learned trial Court and regularly appearing in the case. He submits that petitioner was informed that the FIR in question was quashed by this Court, whereas the same was quashed qua one other accused only vide order

dated 23.04.2019 (Annexure P-3), as a consequent, petitioner was declared proclaimed person and on knowing that the case is still pending, petitioner surrendered before the trial Court and is in custody since 05.12.2023. He submits that absence of the petitioner was not intentional and petitioner undertakes to appear on each and every date of hearing, if concession of bail is granted to petitioner.

3. Learned State counsel has filed the custody certificate dated 08.02.2024, the same is taken on record. Copy thereof has been supplied to the counsel opposite. He has not controverted the factual matrix of the case and admitted that petitioner was granted regular bail by learned trial court vide order dated 12.10.2018 and after that on account of non appearance in trial Court, was declared proclaimed person. He submits that petitioner surrendered before the trial court on 05.12.2023 and since then he is in custody.

4. After considering the rival contentions and perusing the record it transpires that petitioner was granted concession of regular bail by learned trial court vide order dated 12.10.2018 and due to wrong information, petitioner absented from hearing, resulting in declaring proclaimed person. The petitioner on knowing that the FIR is pending, surrendered before the trial Court and is in custody since 05.12.2023. Meaning thereby, that the absence of petitioner was not intentional. The conclusion of trial will take sufficient long time to ascertain criminal liability, if any, of the petitioner, and no useful purpose would be served by keeping petitioner behind bars any longer.

5. Resultantly, 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/Duty Magistrate 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

08.02.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |