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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-10680-2024
Date of decision:-08.05.2024

AMRITPAL SINGH @ PALI

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Mr. Sukhbir Maandi, Advocate, for the petitioner.
Mr. Japjot Singh, 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 in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
53	16.06.2018	399, 402 IPC and 25 and 27 of Arms Act, 1959.	Khilchian, District Amritsar (Rural)

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner after being arrested in the aforesaid FIR (Annexure P-1) was granted concession of bail by learned Sessions Judge, Amritsar vide order dated 01.09.2018 (Annexure P-2). He submits that the petitioner thereafter regularly appeared in the trial Court, but due to absence from proceeding on 07.01.2020, leading to cancellation of his bail and was declared proclaimed offender on 09.03.2023. He submits that due to Covid-



19 Pandemic, the entire country was under lockdown and due to this reason the petitioner failed to appear before the learned trial Court. He submits that petitioner was arrested on 07.06.2023 and since then he is in custody. He submits that if granted concession of bail, petitioner will regularly appear in Court on each and every date of hearing without fail, as such he prays for grant of concession of regular bail to the petitioner.

3. *Per contra*, learned State counsel has not disputed the factual matrix of the case and also not disputed the fact that earlier the petitioner was granted concession of bail on 01.09.2018 (Annexure P-2) and the petitioner is in custody on account of his absence from proceedings. He further submits that petitioner is not having any other criminal case pending against him.

4. After considering the rival contentions and perusing the record, it transpires that petitioner was granted concession of bail in the FIR (Annexure P-1) by learned Sessions Judge, Amritsar vide order dated 01.09.2018 (Annexure P-2). It is not disputed that petitioner had been regularly appearing in the learned trial Court but absented from proceedings on 07.01.2020 on account of wrong noting of the date and later on due to Covid-19 pandemic, resulting in cancellation of bail by the learned trial Court and was declared as proclaimed offender on 09.03.2023. Meaning thereby, that the petitioner was regularly appearing before the learned trial Court and his absence 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 by 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

08.05.2024

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