

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-12158-2024
Date of decision: 01.07.2024

AKBARPETITIONER(S)

Versus

STATE OF PUNJABRESPONDENT(S)

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Lalit Singla, Advocate for the petitioner.
Mr. Eklavya Darshi, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

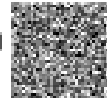
Status report dated 23.04.2024 in the form of an affidavit of Deputy Superintendent of Police, Sub Division Moonak, has been filed. The same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

2. By way of present petition filed under Section 439 Cr.P.C, the petitioner seeks regular bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
0080	08.09.2021	457, 380 of IPC and Section 411, 461 of IPC added later on.	Khanauri, District Sangrur.

3. Arguments heard.

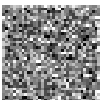
4. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner, after having been arrested in the FIR (Annexure P-1), was granted concession of bail vide order dated 18.05.2022 (Annexure P-2). Thereafter, the petitioner had been regularly appearing in

**CRM-M-12158-2024****2**

the trial Court and facing the trial, however, he absented himself from proceedings on 15.02.2023 due to circumstances beyond his control and was declared as proclaimed offender vide order dated 01.07.2023. The petitioner was arrested on 05.01.2024 and since then he is in custody. He submits that the complainant of the case has already turned hostile and the case is pending for defence evidence. He, as such, prayed for grant of bail to the petitioner.

5. *Per contra*, learned State counsel has submitted that although the petitioner was granted bail in the earlier FIR vide order dated 18.05.2022 (Annexure P-2) but he misused the concession and absented from the proceedings which has resulted in delay in conclusion of trial. As such, he is not entitled to concession of bail.

6. After considering the rival contentions and perusing the record, it is not disputed that the petitioner, after having been arrested in case FIR (Annexure P-1), was granted concession of regular bail by learned trial Court vide order dated 18.05.2022 (Annexure P-2). Admittedly, the petitioner absented from proceedings and was declared as proclaimed offender vide order dated 01.07.2023. Undoubtedly, the petitioner was arrested in the case on 05.01.2024 and since then he is in custody. The trial is at fag end. The petitioner was granted concession of bail. Considering these facts and circumstances of the present case, it is another matter that he absented from proceedings and presently he is in custody on account of his being absent from proceedings and later being



CRM-M-12158-2024

3

declared as proclaimed offender in the case. The petitioner is in custody since 05.01.2024. The trial is already going on. No useful purpose would be served by detaining the petitioner in custody any longer in the present case triable by the Court of Magistrate. 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.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

01.07.2024
kanika

(SANJIV BERRY)
JUDGE

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