

2024:PHHC:050780

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRM-M-16744-2024
Date of Decision : April 16, 2024**

SACHIN SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Gagandeep Singh Bajwa, Advocate,
for the petitioner.

Mr.Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.366, dated 28.07.2017, under Section 188 of the IPC and Section 77 of the Juvenile Justice Act (Care and Protection) Act, read with Sections 4 and 6B of the Cigarette and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce Production and Distribution Act, 2003, registered at Police Station Civil Lines, District Amritsar.

2. In asking for the relief (*supra*), learned counsel for the petitioner submits it is not under dispute that the petitioner was earlier granted bail in the instant matter, by the learned trial Court concerned, and thereafter he has regularly appearing before that Court, however on dated 03.07.2023, the petitioner did not cause appearance which led to cancellation of his bail order and consequently, the petitioner was

declared as a proclaimed offender on dated 15.11.2023, by the learned trial Court concerned.

3. He further submits that in fact within a span of 15-20 days of the aforesaid order, declaring the petitioner as a proclaimed offender, he himself surrendered before the learned trial Court concerned, on dated 02.12.2023, and since then he is behind bars.

4. He further submits that the petitioner has suffered sufficient incarceration of 4 months 16 days, as on today, and the conclusion of the trial will take long time.

5. On the other hand, learned State counsel has vociferously opposed the asked for relief, and has placed on record a custody certificate *qua* the petitioner, which is taken on record. A perusal of the same reflects that the petitioner has suffered incarceration of 4 months and 16 days as on today, and he is not involved in any other criminal case.

6. He further, on instructions imparted to him by ASI Surjeet Singh, informs this Court that out of the total 10 witnesses cited by the prosecution, none has been examined so far.

7. This Court has heard the learned counsel for both the parties concerned, and has gone through the entire case file.

8. Be that as it may, considering the fact that the petitioner was earlier the benefit of regular bail by this Court, which was cancelled, and after surrendering before the learned trial Court concerned, the petitioner has suffered incarceration of about of 4 months and 16 as on today, and out of the total 10 prosecution witnesses, none has been examined so far,

and the conclusion of the trial will take a long time, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner, during the pendency of 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.

9. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

April 16, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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