



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

255

CRM-M-31123-2024 (O&M)
Date of Decision:- 09.07.2024

VIJAY KUMAR @ VIJAY KUMAR NEGI @ SONU

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Sapan Dhir, Advocate for the petitioner.
Mr. Adesh Pal Singh, AAG Punjab.

SANJIV BERRY, J. (ORAL)

CRM-26093-2024

For the reasons stated in the application, same is allowed.

Exemption is granted.

CRM-M-31123-2024

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case FIR (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
152	09.09.2017	420, 149, 120-B IPC	Nahianwala, District Bathinda

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner after having been arrested in case FIR (Annexure P-1) was



granted the concession of bail by this Court vide order dated 05.12.2017 (Annexure P-4) passed in CRM-M-42198-2017. He contends that thereafter the petitioner had been regularly appearing in the trial Court but due to Covid-19 pandemic, he lost track of the dates and thereafter he was declared proclaimed offender in the case vide order dated 13.12.2021. He submits that the petitioner had never received any proclamation or notice as he had shifted his residence, however, he was arrested on 31.03.2024 and since then he is in custody. He further submits that challan has already been presented in Court and the conclusion of trial will take sufficient long time, thus prayed for grant of regular bail to the petitioner.

3. Learned State counsel has not disputed the factual matrix but submitted that the petitioner has misused the concession of bail, as such, he is not entitled to the concession of bail.

4. Heard.

5. After considering the respective submissions and perusing the record, it is admitted fact that the petitioner after having been arrested in the case (Annexure P-1) was granted bail by this Court vide order dated 05.12.2017 (Annexure P-4). However, later on he absented from the proceedings and was declared proclaimed offender vide order dated 13.12.2021. Thereafter, the petitioner was arrested on 31.03.2024 and since then he is in custody. There is no other case registered against the petitioner. After the completion of investigation, challan has since been presented in Court and the conclusion thereof to ascertain the criminal liability, if any, of the petitioner, triable by the Court of Magistrate, will take sufficient long



time and no purpose would be served by detaining the petitioner in custody any longer.

6. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his 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.

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

8. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)
JUDGE

09.07.2024
S.Sharma(syr)

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