

2024:PHHC:108789



225.

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

CRM-M-39690-2024

Date of decision: 22.08.2024

Jassa Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Ankit Kharbanda, Advocate, for the petitioner.

Ms. Avneet, AAG, Punjab.

GURBIR SINGH, J.

1. This petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No.0037, dated 11.02.2020, registered under Sections 379 and 411 of IPC at Police Station Gate Hakima, District Amritsar.

2. The allegation against the petitioner is that he was apprehended with a stolen truck loaded with rice while coming towards Bhagtanwala Chowk for the purpose of selling the stock. He was granted the concession of anticipatory bail vide order dated 28.10.2020 passed by learned Additional Sessions Judge, Amritsar. However, on certain dates, he could not appear before the trial Court and vide order dated 26.05.2023, he was declared proclaimed offender.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present FIR. There is no evidence to connect the petitioner with the alleged occurrence of committing theft of the truck loaded with rice. He further submits that petitioner was neither served nor any prior intimation was given to him as regards the presentation of report under Section 173 Cr.P.C. against him.

3.1. Learned counsel further submits that the petitioner was arrested on 20.04.2024. Trial in the case will take long time to conclude. No useful purpose would be served by keeping the petitioner behind bars any longer.

4. Learned State counsel has opposed the bail to the petitioner by contending that the petitioner has misused the concession of bail. He intentionally remained absent from court proceedings. Therefore, he does not deserve the concession of bail.

5. I have heard the submissions of learned counsel for the petitioner, learned State counsel and have gone through the file.

6. Considering the fact that the petitioner is in custody for the last 4 months and 2 days and completion of trial will take some time, this Court deems it appropriate to release the petitioner on regular bail.

7. Accordingly, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of concerned learned trial Court/Chief Judicial Magistrate/Duty

Magistrate, with the further condition that he shall furnish an affidavit to the effect that in future, he will appear on each and every date of hearing before the court and shall not hamper/delay the trial in any manner. He shall get his mobile number registered in the trial Court for receiving messages on CIS system and shall not change his mobile number during the pendency of the case. He shall also furnish his residential address to the trial Court as well as to the concerned police station and shall not change his residence without intimation to the concerned police station. The trial Court may impose any other condition as it deems fit.

8. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case on the basis of material available before it.

(GURBIR SINGH)
JUDGE

August 22, 2024
sanjeev

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No