

2024-PHHC-110972



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

CRM-M-40526-2024

Date of Decision : **28.08.2024**

JASHANDEEP SINGH ALIAS JASHNA

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. K.B.K.Mann, Advocate,
for the petitioner.

Mr. Sahil R. Bakshi, AAG, 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.223, dated 11.08.2021, under Sections 420, 473, 307, 353 and 186 of the IPC (Sections 61/1/14 of the Excise Act added later on), registered at Police Station Lambi, District Sri Muktsar Sahib.

3. In asking for the relief (*supra*), learned counsel for the petitioner submits that the petitioner was on regular bail vide order dated 24.09.2021, granted by the learned trial court concerned, and he was regularly appearing before that court, however, on dated 16.11.2023, the petitioner got absented himself, as he forgot the next date of hearing, on the account of him being taking medicines for his head injury.

Consequently, the petitioner was declared as a proclaimed offender, on dated 08.04.2024. Finally, he was arrested on dated 30.04.2024, and since then the petitioner is in custody, thus he has suffered incarceration of about 4 months, as on today.

3. Notice of motion.

4. Mr. Sahil R. Bakshi, AAG, Punjab, accepts notice on behalf of respondent-State and vociferously opposed the asked for relief (*supra*), and has filed custody certificate *qua* the petitioner, which reflects that the petitioner has suffered incarceration of 03 months and 26 days, as on today, and he is stated to involved in 07 other criminal cases, however, in some of the cases he is on bail and in one case he has been acquitted.

5. He further submits, on instructions imparted to him by the police official concerned, that final report has already been filed way back on dated 13.04.2023.

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

7. Considering the fact that the petitioner was earlier was on bail, and since then he was regularly appearing before the learned trial court concerned to face the trial, and due to non-appearance on account of petitioner's head injury, he was declared as a proclaimed offender, however, he was arrested and now has suffered incarceration of 03 months and 26 days as on today, and conclusion of the trial would take a long time, therefore, 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 his bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

8. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as is 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.

August 28, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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