

271

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-43844-2024 (O&M)
Date of Decision:- 10.09.2024

SUKHWINDER SINGH ALIAS BAGGA

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. F.S. Virk, Advocate for the petitioner.
Mr. Adesh Pal Singh, AAG Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case:-

FIR No.	Dated	Sections	Police Station
93	09.08.2020	379-B IPC; (34 and 411 IPC added later on)	Kheri Gandain, District Patiala

2. It is, *inter alia*, contended by learned counsel for the petitioner that after having been arrested in case FIR (Annexure P-1), the petitioner was granted the concession of bail vide order dated 04.09.2020 (Annexure P-2). Thereafter, the petitioner had been regularly appearing in the Court, however, he absented on 20.04.2022 on account of registration of another FIR against him, leading to him being declared as proclaimed offender vide



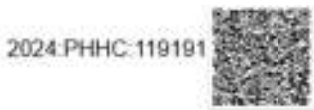
order dated 24.04.2023 (Annexure P-4). Subsequently, the petitioner was arrested on 01.03.2024 and since then he is in custody. He submits that although the petitioner is involved in 4 other FIRs, but he is on bail therein. Hence, prayed for grant of bail.

3. Learned State counsel has filed the custody certificate of the petitioner dated 09.09.2024 and has not disputed the factual matrix.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that after having been arrested in case FIR (Annexure P-1), the petitioner was granted the concession of bail vide order dated 04.09.2020 (Annexure P-2) and thereafter he was regularly appearing in the Court except for 20.04.2022, when he absented from the proceedings on account of registration of another FIR against him, leading to the petitioner being declared as proclaimed offender in the case. Thereafter, the petitioner was arrested on 01.03.2024 and since then he is in custody. It is not disputed that the petitioner was earlier granted the concession of bail and currently he is in custody only on account of being declared as proclaimed offender. The criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

6. Consequently, 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/Judge on Duty/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

10.09.2024
S.Sharma(syr)

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