

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

231

CRM-M-51481-2023
Date of decision: 29.02.2024

Veer Singh@ Vicky

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Gurjant Singh Gill, Advocate
for the petitioner.

Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J.

1. The present petition has been filed under Section 439 of Cr.P.C. seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
35	10.04.2021	Arniwala, District Fazilka	149, 363, 366-A, 376 IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012 and Sections 9, 10 of the Prohibition of Children Marriage Act, 2006

2. The petitioner alongwith co-accused are facing trial before the Court of learned Additional Sessions Judge, Fazilka. Previously, he has been extended benefit of anticipatory bail vide order dated 13.07.2021 (Annexure P-3). Thereafter, he absented himself. Summons/bailable warrants and then non-bailable warrants were issued against him and ultimately proceedings under Section 82 Cr.P.C. were initiated against him and he was declared proclaimed offender on

12.05.2023. He was again arrested on 22.05.2023 and is in custody since then. He had moved an application for bail before the learned Special Court, which had been dismissed vide order dated 29.09.2023.

3. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that the petitioner is in custody for more than 09 months. The trial is likely to take time. Prayer is made that keeping in view the period of his incarceration, he may be given benefit of regular bail.

4. Learned State counsel on the other hand has argued that the trial of the case has been delayed due to the reason that the petitioner remained absent for the period of two years and even the co-accused had to suffer because of that. There are chances of his absconding again, if extended benefit of bail. Therefore, it is urged by him that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel and have perused the material placed on record carefully.

6. The petitioner alongwith the co-accused is facing trial for commission of offences punishable under Section 149, 363, 366-A, 376 IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012 and Sections 9, 10 of the Prohibition of Children Marriage Act, 2006. He had absented himself from the Court proceedings for about two years. However, now he is in custody for a period of 9 months. Keeping in view the period spent by him in custody, I am of the considered opinion that the petitioner deserves to be extended benefit of bail. Hence,

the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds of two sureties to the satisfaction of learned trial Court/Illaqa Magistrate concerned.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been allowed, pending application if any is rendered infructuous.

29.02.2024
neeraj

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No