

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

214

CRM-M-74-2024

Date of decision : 11.01.2024

GAURAV ALIAS GORA ALIAS LARSON

...PETITIONER

Versus

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present : Mr. Rajesh Bhateja, Advocate
for the petitioner.

Mr. Gurlal Singh Dhillon, Asstt. A.G. Punjab.

HARKESH MANUJA.J. (ORAL)

1. By way of present petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioner in case bearing FIR No.88 dated 07.10.2013 registered under Sections 382 and 506 of IPC at Police Station Shapur Kandi, District Gurdaspur, wherein earlier the petitioner was granted the regular bail by the trial Court on 31.10.2013 and lateron, on account of his non-appearance, he was declared as proclaimed offender and thereafter he was arrested on 22.11.2023.

2. As per allegation in the FIR, the petitioner alongwith co-accused is alleged to have snatched a sum of Rs. 3,000/- from the complainant.

2. The prayer made on behalf of the petitioner has been opposed by learned State counsel while submitting that the petitioner has absconded from the trial Court proceedings for a long period of more than 7 years and thus he does not deserve the concession of regular bail, at this stage.

3. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

4. In the present case, though no plausible explanation has been rendered by the petitioner for his non-appearance before the trial Court for a period of 7 years yet, the petitioner has already undergone incarceration of about 1 month and 18 days and happens to be a young boy aged about 29 years with no other criminal case pending against him. I do not find any reason to extend his incarceration. One of the fact goes in favour of the petitioner, at this stage is that even during the period he was absconding from the trial Court proceedings, he was never involved in any kind of criminal activity.

5. Considering the fact that the investigation in the present case, already stands concluded with the filing of challan and trial is likely to take some time, besides it, the petitioner is already behind the bars for the last almost 1 month and 18 days, I do not find any reason to extend the incarceration of the petitioner any further.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty

Magistrate.

7. It is made clear that this order may not be construed as expression of an opinion on the merits of the case.

(HARKESH MANUJA)
JUDGE

11.01.2024
monika

Whether speaking/reasoned ? Yes/No
Whether Reportable ? Yes/No