

(2017) 05 RAJ CK 0057
In the Rajasthan High Court
Case No : 3996 of 2017

Sevak Singh S/o Shri Gurdayal

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 12-05-2017

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 439](#) - Special powers of High Court or Court of Session regarding bail
[Indian Penal Code, 1860](#), [Section 279](#),
[Section 304A](#)

Citation : (2017) 05 RAJ CK 0057

Hon'ble Judges : Sandeep Mehta

Bench : SINGLE BENCH

Advocate : Balvinder Singh, AS Rathore

Judgement

1. Heard learned counsel for the petitioner and learned Public Prosecutor. Perused the material available on record.
2. The instant bail application under Section 439 Cr.P.C. has been preferred on behalf of the petitioner who is in custody in connection with FIR No.134/2003 registered at P.S. Aarksi Kendra Chunawad, District Sri Ganganagar for the offences under Sections 279, 337 and 304A IPC.
3. The petitioner was facing trial in the Court below for the above offences which are bailable in nature. FIR was registered way back in the year 2003. The petitioner appeared in the trial Court for the first time on 20.8.2008. In 2013, he jumped bail and had to be rearrested and was enlarged on bail. He jumped bail

again on 26.8.2016 whereupon his bail bonds were forfeited and he has been re-arrested on 15.4.2017 since when he is in custody.

4. Learned counsel for the petitioner submits that if the petitioner is granted one more opportunity to face trial while being on bail, he will henceforth not misuse the liberty granted to him. For this purpose, the petitioner is ready to abide by any condition which may be imposed upon by this Court. He thus prays that the petitioner deserves to be enlarged on bail.

5. Learned Public Prosecutor vehemently opposes the submissions advanced by the petitioner's counsel.

6. Having regard to the facts and circumstances of the case and considering the fact that the petitioner is in custody for bailable offences, this Court is of the opinion that he deserves one more opportunity to face trial while being on bail subject to the condition that he shall furnish one bail bond to the tune of Rs.2 lakhs and two sound and solvent sureties in the sum of Rs.1 lakh each to the trial Court's satisfaction with the undertaking that in case, he again jumps bail, the entire amount of bail bonds shall stand forfeited.

7. Accordingly, the instant bail application under Section 439 Cr.P.C. is allowed and it is directed that the petitioner Sevak Singh arrested in connection with FIR No.134/2003 registered at P.S. Aarksi Kendra Chunawad, District Sri Ganganagar shall be released on bail subject to his furnishing an undertaking to the above effect before the trial Court and further provided he furnishes a personal bond of Rs.2,00,000/- and two sound and solvent sureties of Rs.1,00,000/- each to the satisfaction of the learned trial court with the stipulation to appear before that Court on all dates of hearing and as and when called upon to do so.