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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.13521 of 2015
Date of Decision: 05.05.2015

GURVINDER SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ashok Giri, Advocate
for the petitioner.

Mr. Varun Sharma, A.A.G., Punjab.

1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.236 dated 17.07.2009, under Sections 420/467/468/471/120-B IPC, P.S. Division No.4 Jalandhar, District Jalandhar City.

Learned counsel for the petitioner contends that in view of nature of allegations, petitioner was granted bail by the trial Court itself before filing of the challan. When the challan was presented no notice was served upon him in respect thereof. Trial Court proceeded to declare him proclaimed offender and now the petitioner is in judicial custody since 11.01.2015.

Mr. Sharma, A.A.G., Punjab on the other hand states that after presentation of challan notice was duly issued to the petitioner but he opted to hide himself so as to prevent appearance and consequently proceedings in terms of Section 82 of Code of Criminal Procedure were initiated against him and he was declared proclaimed offender on 12.02.2013.

The issue seems to be debatable whether petitioner could have been declared proclaimed offender in such a situation but fact remains that petitioner was granted bail and now he is in custody since 11.01.2015. The offence is triable by the Magistrate.

In view of above, without commenting upon anything on merits at this stage, petitioner is ordered to be released on regular bail subject to his furnishing adequate bail bonds to the satisfaction of trial Court.

Accordingly, this petition is allowed.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

May 05, 2015.
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(RAJ MOHAN SINGH)
JUDGE