

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

CRM-M-16606-2015

Date of decision: 29.05.2015

Farman Khan

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Jasmeet Ghumman, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.109 dated 21.04.2007 under Sections 452, 324, 148, 149 IPC, registered at Police Station City Phagwara, District Kapurthala.

Notice to Advocate General, Punjab.

Mr. K.D. Sachdeva, Addl. AG, Punjab accepts notice.

Learned counsel for the petitioner submits that earlier the petitioner was found innocent by the investigating agency. Thereafter, he went abroad but he was summoned under Section 319 Cr.P.C. Since the petitioner was not available in India, he was declared proclaimed offender. Now the petitioner is inside the jail since 19.12.2014. On merits, learned counsel for the petitioner submits that only the lalkara has been attributed to the petitioner. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from HC Mukhtiar Singh, Police Station City Phagwara, District Kapurthala,

submits that since the petitioner was declared proclaimed offender, he is not entitled for the concession of bail pending trial. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that in the given fact situation of the case noticed hereinabove, petitioner has been found entitled for bail pending trial. It is so said because only lalkara and fist blow have been attributed to the petitioner. No weapon of offence has been recovered from him. Further, he was found innocent during the course of investigation. Now the petitioner is inside the jail for the last about six months.

In view of the above and without commenting anything further on merits, lest it should prejudice the rights of either of the parties, instant petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court/Duty Magistrate, Phagwara.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

29.05.2015
vishnu