

Crl. Misc. No.M-19662 of 2015

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

**Crl. Misc. No.M-19662 of 2015
Date of decision:17.06.2015**

Kewal Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Kanwarjit Singh, Advocate,
for the petitioner.

Mr. Shilesh Gupta, Addl. A.G., Punjab.

Rakesh Kumar Jain, J.

The petitioner has prayed for grant of regular bail under Section 439 of the Code of Criminal Procedure, 1973, in a case registered vide FIR No.284 dated 30.10.1985, under Sections 326, 324, 323, 148 and 149 of the IPC at Police Station Sultanpur Lodhi, District Kapurthala.

The FIR was got registered by one Daljit Singh S/o Harmail Singh on 30.10.1985 in regard to the occurrence allegedly taken place on 21.10.1985 at about 6.00 p.m. in which the petitioner has been attributed the role of inflicting two blows with Takua on the left side of the head of Harmail Singh.

According to the petitioner, he left India for Canada on 22.10.1985 before the FIR could have been registered. In the meantime, the other co-accused of the petitioner were tried in Sessions Case No.50 and

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were acquitted vide order dated 28.11.1986. The petitioner came back to India somewhere in the year 2010 and applied for bail by filing CRM-M-37220 of 2010, but since he was declared proclaimed offender, therefore, vide order dated 01.02.2011 passed in the said case, this Court had observed that the petition would be taken up on merits before this Court only after his surrender before the trial Court. It was also observed that if the petitioner surrenders before the trial Court within two months from the date of passing of the order dated 01.02.2011, he shall be released on bail on his furnishing bail bonds to the satisfaction of the trial Court.

The petitioner alleged to have jumped the bail and his earlier bail bonds and surety bonds were cancelled and forfeited to the State vide order dated 12.4.2012 passed by the Additional Sessions Judge, Kapurthala. He applied for bail vide CRM-M-13540 of 2012 which was allowed on 09.05.2012 with the observation that the petitioner would surrender before the trial Court and move an application for regular bail, which shall be granted on the same day subject to deposit of ₹20,000/- as penalty.

Thereafter, the petitioner sought permission of the trial Court to go abroad which was granted on 24.12.2012 but he could not come back in time because there he was sentenced for 18 months for non-payment of income tax and was made to pay fine of \$1,13,164.00. The petitioner when came to India, surrendered and was taken into custody. His bail application has been rejected by the trial Court on the ground that he remained a proclaimed offender.

Counsel for the petitioner has submitted that the petitioner left

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India on 22.10.1985, whereas the FIR against him was registered on 30.10.1985. He came back, surrendered and was granted regular bail. With the permission of the Court, he again went abroad but as ill luck would have it, he was sentenced for 18 months in Canada on account of non-payment of income tax. It is also submitted that all other co-accused have already been acquitted by the trial Court way back in the year 1986. It is also submitted that the petitioner would appear on each and every date before the trial Court, if released on bail and would also surrender his passport and furnish heavy surety of two persons.

Counsel for the respondent-State has submitted that the person like the petitioner should not be extended the concession of regular bail as he has been playing hide and seek with the Court in the past.

However, keeping in view the facts and circumstances narrated here-in-above but without expressing any opinion on the merits of the case, I am of the considered opinion that the petitioner deserves concession of bail.

Accordingly, the present petition is hereby allowed and the petitioner is ordered to be released on bail subject to his furnishing heavy surety of two persons to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Jalandhar. The petitioner shall also surrender his passport before the Trial Court and appear on each and every date without fail.

June 17, 2015
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(Rakesh Kumar Jain)
Judge