

CRM No. M-20747 of 2015
DECIDED ON: JULY 14, 2015

PREM SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

- 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?*

Present: Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. RPS Sidhu, AAG, Punjab.

JASPAL SINGH, J (ORAL)

Instant petition has been preferred by Prem Singh under Section 439 Cr.P.C seeking bail in case FIR No. 21 dated 27.02.1998 under Sections 302, 452, 323, 34 and 449 IPC (Charges framed under Section 449, 302/34, 323/34 IPC), Police Station Guru Harsahai, Ferozepur, Distt. Ferozepur.

2. The contention of learned counsel for the petitioner that during investigation of this case, petitioner was found innocent. As a result whereof, at the time of presentation of report under Section 173 Cr.P.C. his name was shown in column No.2 of report but subsequently, vide order dated April 08, 1999, he was summoned under Section 319 Cr.P.C. to stand trial with his co-accused. Since, he was not aware of any proceedings against him after he was found innocent and also did not receive any notice etc. He was illegally declared proclaimed offender vide order dated February 05, 2000. But as and when police found his correct address, he was arrested on August 27, 2014 from his village and since then he is in custody. Supplementary challan against petitioner has already been presented and disposal thereof, would take sufficient long time. Petition is

ready to abide by all the terms and conditions imposed by this Court in case he is granted the concession of bail.

3. On the other hand, learned State counsel has strongly opposed the petition for bail. He has ebulliently argued that petitioner remained absconded for a period of approximately 15 years and the police could only arrest him in the month of August 2014. As such, he does not deserve the concession of bail.

4. This court has given an anxious thought to the submissions made by learned counsel for the parties and have perused the record available on file.

5. Undoubtedly, petitioner was found innocent during investigation of this case. During trial qua his co-accused, an application under Section 319 Cr.P.C was preferred by prosecution on the basis of which, he was summoned to face trial vide order dated April 08, 1999. After the petitioner absconded, he could not be arrested by police despite issuance of non-bailable warrants against him. He was declared proclaimed offender vide order dated February 05, 2000. The co-accused of the petitioner have already been convicted and sentenced vide judgment of conviction and order of sentence dated November 13, 2002 passed by learned Sessions Judge, Ferozepur. The petitioner remained absconded for a period approximately 15 years and even the police was not able to arrest him during the aforesaid period. However, police became successful on August 27, 2014 when he was nabbed by it and subsequently, arrested in this case. No doubt supplementary challan has already been presented against the petitioner and he is facing trial. But in the facts and circumstances narrated above, he does not deserve the concession of bail, especially in the circumstances that there is every likelihood of his absconding.

JULY 14, 2015

SHAM

**(JASPAL SINGH)
JUDGE**