

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRM No. M-12294 of 2016 (O&M)  
Date of Decision: 25.04.2016

Raj Kumar

--Petitioner

Versus

State of Punjab

--Respondent

**CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.**

Present:- Mr. Rajeev Sharma, Advocate for the petitioner.

Ms. Manpreet Dhaliwal, A.A.G., Punjab.

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**TEJINDER SINGH DHINDSA.J**

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.174 dated 5.9.2003 under sections 302, 364, 336, 201, 148, 149, 120-B I.P.C and sections 25, 27, 54, 59 of Arms Act, registered at Police Station, Sadar Khanna, District Ludhiana.

Learned counsel for the parties have been heard.

It has gone uncontroverted that the petitioner in the present case was arrested on 11.9.2003 and thereafter granted benefit of bail pending trial on 10.8.2004. Petitioner had duly associated with the trial proceedings up to 27.1.2014 and thereafter he absented himself. This led to the passing of a P.O order on 21.2.2014.

Petitioner, thereafter, was arrested on 16.10.2014.

Counsel for the petitioner has argued that no specific role has been attributed to the petitioner in the F.I.R. Rather he was not even named therein. Petitioner was sought to be implicated on the statement of one Balwinder Singh recorded by the investigating agency on 7.9.2003, wherein such Balwinder Singh is alleged to have over heard the petitioner conspiring

with others to eliminate the deceased namely Rupinder Singh @ Gandhi.

There were a total of 11 accused. 9 already stand convicted upon culmination of the trial and whose sentences are stated to have been suspended pending appeal.

In so far as the present petitioner is concerned, the trial has started *de novo* and would take time to conclude.

Even though, the petitioner had absented from trial proceedings, yet, it cannot be lost sight of that he has now faced incarceration since 16.10.2014.

Without making any observations on merits, petitioner is held entitled to the benefit of bail in the present case subject to his being not wanted/arrested in any other criminal proceedings. Present petition is, accordingly, allowed. Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Ludhiana.

Petition disposed of.

**(TEJINDER SINGH DHINDSA)**  
**JUDGE**

**25.04.2016**  
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