

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

**(203)**

**CRM-M-14474-2016**

**Decided on: September 07, 2016.**

**Jaskaran Singh**

**.... Petitioner**

**Versus**

**State of Punjab**

**..... Respondent**

**(2)**

**CRM-M-24985-2016**

**Decided on: September 07, 2016.**

**Zora @ Zorawar**

**.... Petitioner**

**Versus**

**State of Punjab**

**..... Respondent**

**CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI**

Present: Mr. Gurmeet Singh, Advocate,  
for the petitioner in CRM-M-14474-2016.

Mr. G.S. Thind, Advocate,  
for the petitioner in CRM-M-24985-2016.

Mr. Jashan Preet Singh, AAG, Punjab.

Mr. Krishan Singh Dadwal, Advocate,  
for the complainant.

**M.M.S. BEDI, J (ORAL)**

This order will dispose of two applications for grant of pre-arrest bail, one (CRM-M-14474-2016) filed by Jaskaran Singh and the other (CRM-M-24985-2016) filed by Zora @ Zorawar in FIR No.351 dated 27.12.2013.

The FIR was registered at the instance of Amandeep Singh alleging that the petitioners as members of unlawful assembly had attacked complainant Amandeep Singh on 22.12.2013 along with 10-11 other accused armed with 'dang', iron rod, 'kirpans', 'datar' etc. They also damaged the household articles of the complainant.

So far as petitioner Jaskaran Singh is concerned, he allegedly had given a 'kirpan' blow on the wrist of right hand of the complainant. So far as petitioner Zora @ Zorawar is concerned, he has alleged to have given a 'datar' blow on the right elbow of the complainant.

All the offences are bailable except for offence under Section 452 IPC.

Learned counsel for the complainant has intervened to oppose applications for pre-arrest bail contending that petitioner Zora @ Zorawar having been declared a proclaimed offender and having not challenged the said order, is not entitled to pre-arrest bail. Counsel has placed reliance on **State of Madhya Pradesh Vs. Pradeep Sharma, 2014 (1) RCR (Criminal) 269**, in support of his contention wherein it has been held that an accused absconding and declared as a proclaimed offender in terms of Section 82 of Cr.P.C, should not be granted anticipatory bail.

I have heard learned counsel for the petitioners, learned State counsel as well as learned counsel for the complainant. With the assistance of learned State counsel and HC Gurbachan Singh Anmol, I have also gone through the police file.

The place where the occurrence has taken place, is shown to be an open place described as 'vehra', in the rough site plan prepared by the police. It will certainly be a debatable issue whether the offence under Section 452 IPC is made out in this case or not, besides this, the petitioners have been attributed simple injury.

I have considered the contentions of learned counsel for the complainant that petitioner Zora @ Zorawar had been declared proclaimed offender. So far as petitioner Jaskaran Singh is concerned, he has challenged the order declaring him proclaimed offender which order has been set aside vide separate order passed by this Court. So far as petitioner Zora @ Zorawar is concerned, pursuant to the interim order, he has already joined the investigation.

I have gone through the record which indicates that proclamation under Section 82 Cr.P.C qua Zora @ Zorawar was effected on 28.03.2015 as per the statement of HC Gurbachan Singh Anmol. On the basis of said statement, on 02.07.2015, he along with other accused was declared proclaimed offender. Neither in the statement of HC Gurbachan Singh nor in order passed by the Judicial Magistrate on 02.07.2015, it is indicated that as to when the accused persons were required to appear in the Court. Prima facie, there appears to be defect in the order declaring petitioner Zora @ Zorawar proclaimed offender.

Be that as it may, after petitioner Zora @ Zorawar having already put in appearance before the investigating officer, he ceases to be a proclaimed offender as such.

Taking into consideration the simple injury having been attributed to the petitioners, they can be granted the concession of bail.

Both the petitions are allowed. It is ordered that in case of arrest of the petitioners, they will be released on bail to the satisfaction of the arresting officer subject to the conditions that they will join investigation as and when required and will not tamper with the evidence or hamper the investigation in any manner and will not commit similar offence of which they are accused of, during the entire period of trial.

In case of violation of any of the conditions, it will be open to the complainant or the State to seek cancellation of the bail.

**(M.M.S. BEDI)**  
**JUDGE**

**September 07, 2016**  
*harsha*

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|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether Reportable:        | Yes/No |