

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

101

CRM-M-29043-2016 (O&M).

Decided on: August 29, 2016.

Rakesh Kumar @ Baba

.. Petitioner(s)

VERSUS

State of Punjab

.. Respondent(s)

* * *

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

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PRESENT Mr.Vipin Mahajan, Advocate, for the petitioner.

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

Petitioner along with others constituted an unlawful assembly and assaulted and injured Gurmeet Singh. He was declared a proclaimed offender while other co-accused after facing trial were acquitted on 31.3.2016, by the Additional Sessions Judge, Gurdaspur.

The petitioner has sought concession of pre-arrest bail contending that he is ready to face trial.

Petitioner seeks parity with Balbir Singh who had been granted concession of pre-arrest bail by a Coordinate Bench of this Court on 20.7.2015. Said Balbir Singh, as is apparent from the order Annexure P2, appeared before the trial Court and was able to get the benefit of acquittal whereas the petitioner through out remained a proclaimed offender.

The petitioner has not challenged the order declaring him a proclaimed offender. The petitioner, as such, neither can be granted parity with Balbir Singh nor he is entitled to any indulgence taking into consideration the fact that the co-accused have been acquitted whereas the petitioner intentionally evaded appearance before the trial Court and has approached the Courts for grant of pre-arrest bail seeking the benefit on the

basis of acquittal of co-accused.

In view of peculiar facts and circumstances of this case, striking a balance between the right of the petitioner and the right of the prosecution agency, I deem it appropriate to give an opportunity to the petitioner to surrender before the Illaqua Magistrate and face trial in accordance with law.

The petition is disposed of with a direction that the petitioner will put in appearance before the Illaqua Magistrate/Chief Judicial Magistrate on 23.9.2016. In case the petitioner moves an application for grant of bail by offering bail bonds, the said Court will issue notice of the same to the State for 26.9.2016 in order to enable the prosecution agency to take steps to file supplementary challan against the petitioner. The petitioner will be released on bail by accepting his bail bonds/surety bonds on 26.9.2016.

It is made clear that in case of non-compliance of the above said direction regarding surrender, this petition will be deemed to have been dismissed.

(M.M.S. BEDI)
JUDGE

August 29, 2016.
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Whether speaking / reasoned
Whether Reportable:

Yes / No
Yes / No