

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

CRM M-29020 of 2014

Date of Decision : September 30, 2016

Gagandeep Singh

.....Petitioner

VERSUS

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE T.P.S. MANN

Present : Ms. Sushma Chopra, Advocate
for the petitioner.

Mr. Vikram Bishnoi, Asstt. A.G., Punjab.

T.P.S. MANN, J. (Oral)

Prayer made in the petition filed by Gagandeep Singh under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No. 401 dated 13.9.2005 under Sections 363/366-A/376 IPC registered at Police Station Nakodar, District Jalandhar.

According to the prosecution, the prosecutrix was subjected to rape by Binder, Soni, Bittu, STD Wala and two more boys. One Manjit Kaur had helped the aforementioned accused to take the prosecutrix forcibly in a car. The prosecutrix was kept at the tubewell motor in village Athola where Jatinder Singh and other boys committed rape upon her.

During the investigation of the FIR, the petitioner was found innocent and placed in column No. 2 of the final report under Section 173 Cr.P.C. Later on, vide order dated 8.3.2006,

the trial Court accepted the application moved by the prosecution under Section 319 Cr.P.C. and summoned the petitioner as additional accused. When he could not be arrested despite issuance of warrants, he was declared proclaimed offender vide order dated 14.7.2006. In his absence, the trial of the case proceeded against Paramjit Singh, Jaswinder Pal, Manjit Kaur and Ranjit Singh. Vide judgment dated 15.6.2007, learned Additional Sessions Judge (Adhoc) Jalandhar while giving benefit of doubt to the said accused, acquitted them of the charges against them.

According to learned counsel for the petitioner, the order passed by the trial Court on 14.7.2006 declaring him a proclaimed offender was in his absence and without notice as he had already left for England on 11.5.2006. Prayer has, accordingly, been made for granting anticipatory bail to the petitioner as he wants to join the proceedings.

It may be worth mentioning here that the petitioner earlier moved this Court for the grant of anticipatory bail by filing Criminal Miscellaneous M-23817 of 2014, but the same was dismissed as withdrawn with liberty to him to move the Court of Sessions for the grant of anticipatory bail in the first instance. The petitioner then moved an application for anticipatory bail before

the Court of Sessions on 3.7.2014 but the same was dismissed by Court of Sessions Judge, Jalandhar vide order dated 6.8.2014.

Having heard learned counsel for the parties and taking into consideration the fact that the petitioner was initially found innocent and, subsequently, summoned under Section 319 Cr.P.C. as additional accused and also the fact that the four co-accused of the petitioner have already been acquitted of the charges against them, this Court is of the view that instead of granting the concession of anticipatory bail to him, directions can be issued to the trial Court that in the event of petitioner surrendering within a specified time and making application for grant of regular bail, the said application be considered and disposed of within a week thereafter.

Resultantly, the petition filed by the petitioner for the grant of anticipatory bail is disposed of by directing him to surrender before the trial Court on or before 24.10.2016 and in case he moves an application for regular bail, his application for the said purpose be considered and disposed of within a week of its filing.

September 30, 2016
amit rana

(T.P.S. MANN)
JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No