

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

CRM No. M-34817 of 2016

Date of decision:- October 04, 2016

HARMESH KUMAR @ MESHI

.....PETITIONER..

VS.

STATE OF PUNJAB

....RESPONDENT..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Avtar Singh Bhatti, Advocate,
for the petitioner.

Mr. RPS Sidhu, AAG, Punjab.

JASPAL SINGH, J. (Oral)

By virtue of instant petition preferred under Section 439 of the Code of Criminal Procedure, petitioner has sought bail during the pendency of trial, pertaining to FIR No.36, dated 19.02.2008, under Section 382/34 IPC, Police Station Tanda, District Hoshiarpur.

2. After the registration of the aforesaid case, at the instance of Gurwinder Singh, the petitioner was granted the concession of bail. Subsequent thereto, he has been appearing before the trial court but on 03.02.2011, the petitioner absented from the Court without any intimation. As a result of his non-appearance, bail order as well as bail bonds were cancelled and forfeited to the State. Subsequently, he was summoned through non-bailable warrants of arrest. Since, presence of petitioner could

not be secured even on issuance of non-bailable warrants, he was declared proclaimed person vide order dated 05.03.2012. In fact, the petitioner had left abroad (Dubai) and on his return to India, he was arrested on 18.05.2016. Since then, he is cooling his heels behind the bars. By now, he must have learnt the lesson for abstaining from the court without any intimation. Moreover, co-accused of the petitioner namely Lakhwinder Singh @ Mana and Gurmit Singh @ Lakha have already been acquitted by Id. trial court vide order dated 19.11.2014.

3. Though, the petitioner is behind the bars since 18.05.2016 but till date supplementary challan has not been presented. The non-submission of supplementary challan can be termed to be a glaring omission and dereliction of duty of SHO/Inspector Jangjeet Singh. He should have taken care of the matter and should have presented the challan as early as possible after the arrest of the petitioner. He may do so now.

4. Taking into consideration the period of incarceration and acquittal of co-accused, this Court finds it a fit case to grant the concession of bail. Accordingly, petition is allowed and petitioner is ordered to be released on bail, during pendency of trial, at the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate.

October 04, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes

Whether reasonable: No