

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

CRM -M-16824 of 2017 (O&M)

Date of decision: 06.07.2017

Kamaljeet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Deepak Sabherwal, Advocate for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab
assisted by ASI Balkar Singh.

Mr. Neeraj Poswal, Advocate/Amicus Curiae
for the complainant.

Jitendra Chauhan, J. (Oral)

By filing the present petition, under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No. 05 dated 07.01.2016, registered under Sections 324, 307 and 148 read with Section 149 of IPC, at Police Station Sultanpur Lodhi, District Kapurthala.

It is contended that without any proper service, the petitioner had been declared proclaimed offender in large number of cases. The petitioner was constrained to approach this Court by filing CRM-M-38514-2016 (Annexure P-2), whereby the following order was passed:-

“This petition is disposed of with a direction that in case,

*the petitioner surrenders in the ten cases mentioned in para 1 of the petition within a period of one month to avail the legal remedy for bail, he will not be arrested in any other case registered after 22.10.2016 without a notice of three days in that giving detailed particulars of that case. The above said direction is being issued in the light of judgment of the Apex Court in **Uday Chand Vs. Sheikh Abdullah, 1983 (2) SCC 417** and judgment of Gauhati High Court **A. Loso Vs. State of Manipur 1988 Crl. Law Journal 158** laying down that it is the duty of the police to disclose the particulars of the pending cases in which accused is not yet arrested, to the Magistrate before whom the police forward the accused on arrest in a particular case so that accused comes to know that he is likely to be arrested at any time in those pending cases. It is further directed that this order will remain operative for a period of three months and will be applicable only if the petitioner surrenders within a period of one month before the Courts of competent jurisdiction in all the ten cases mentioned in para I of this petition.”*

It is further contended that at present, the petitioner is not a proclaimed offender in any of the FIRs and he has been enlarged on bail in all the remaining FIRs. The learned counsel refers to Annexure P-3 to contend that main accused Karan @ Sabbi has been admitted to bail by this Court, vide order dated 22.07.2016. The petitioner is in custody since 24.03.2017.

On the other hand, the learned State counsel opposes the bail application and states that the petitioner is a habitual offender, therefore, the present petition deserves to be dismissed.

Heard.

Considering the fact that petitioner is not named in the FIR

and the main accused Karan @ Sabbi who allegedly assaulted the complainant has been enlarged on bail by this Court; the conclusion of trial will take a long time, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds to the satisfaction of CJM/Illaq Magistrate/trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

06.07.2017
sumit.k

(JITENDRA CHAUHAN)
JUDGE

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