

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

**CRM-M-35967-2017
Date of decision :21.11.2017**

Gagandeep Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE H.S. MADAAN

Present : Mr. Sunil Agnihotri, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

H.S. MADAAN, J. (Oral)

Gagandeep Singh an accused in FIR No.16 dated 11.03.2011 for offences under Sections 323, 324, 325, 326, 307, 427, 148 & 149 IPC registered with Police Station Dasuya District Hoshiarpur, could not be arrested by the Police and was declared a proclaimed offender vide order dated 23.06.2013. It is stated that the accused had gone abroad and in his absence, he was declared a proclaimed offender. He has been arrested on 03.07.2017 and he is in judicial custody since then. Supplementary challan has since been filed and he is facing trial in the Court of Additional Sessions Judge, Hoshiarpur, the trial is stated to be at preliminary stage.

The petitioner had moved an application for grant of regular bail but the same was declined by Additional Sessions Judge, Hoshiarpur vide order dated 12.09.2017, as such, he has approached this Court asking for similar relief.

Notice of the petition was given to the State.

I have heard learned counsel for the parties, besides going through the record.

Learned counsel for the petitioner has submitted that the injury attributed to the complainant is simple in nature and he could not appear before the police for the reason that he had gone abroad and further conclusion of trial is likely to take some time, as such, he be granted regular bail and the Court may impose any terms and conditions for that purpose.

Learned State counsel has opposed the request vehemently. However, I am of the view considering facts and circumstances of the case that the petition deserves to be allowed, but subject to stringent terms and conditions so that the petitioner does not abscond and does not try to tamper with the prosecution evidence. Therefore, the petition is accepted and the petitioner is ordered to be released on bail subject to his furnishing personal and surety bonds to the satisfaction of the trial Court / Duty Magistrate concerned.

The trial Court / Duty Magistrate concerned is to ensure that the surety furnish by him are sound having documentary proof of property and surety bonds of sufficient amount be taken. This bail order is subject to following terms and conditions:-

- i) he shall make himself available for investigation by a

police officer as and when required;

ii) he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

iii) he shall not leave India without the previous permission of the Court; and

iv) he shall surrender his passport before the Investigating Officer if he has got one otherwise to furnish affidavit in that regard.

It is made clear that if the petitioner is found violating any of the terms and conditions or indulging in any criminal act after being released on bail vide this order, the order in hand shall be liable to be withdrawn.

21.11.2017
Gaurav Sorot

(H.S. MADAAN)
JUDGE

1. Whether reportable? **No**

2. Whether speaking / reasoned? **Yes**