

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

**Crl. Misc. No. M-36140 of 2017
Date of Decision : October 03,2017**

Sukhjinder Singh @ Ladi.....Petitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: Mr. A.P.S.Randhawa, Advocate
for the petitioner.

Mr. Rahul Rathore, DAG, Punjab.

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LISA GILL, J. (Oral)

The petitioner seeks the concession of bail pending trial in FIR No. 89 dated 30.04.2014 under Sections 302, 316, 342, 354, 452, 148, 149 IPC registered at Police Station Beas, District Amritsar.

It is submitted that initially the petitioner was found innocent during investigation. An application for discharge was moved by the prosecution. The learned SDJM, Baba Bakala Sahib on 01.08.2014 (Annexure P1) ordered the petitioner to be discharged from the custody for the time being but not from the case. Thereafter, the petitioner after obtaining a clearance certificate from the SSP (Rural) Amritsar on 11.06.2015, left India for Canada for the purpose of employment. In his absence an application under Section 319 Cr.P.C. was moved by the prosecution to summon the petitioner as additional accused. He was

accordingly summoned. However, the petitioner, it is submitted, was wrongly declared to be a Proclaimed Offender without following the proper procedure envisaged by law as it was very well within the knowledge of the prosecution that the petitioner was abroad at that time. The petitioner had no knowledge of the said proceedings. He was arrested on his arrival in India on August 17, 2017. The petitioner is ready and willing to face trial. He shall not leave the country without prior permission of the Court. It is submitted that even as per the allegations in the supplementary statement the petitioner is alleged to have restrained the complainant in his house and prevented him from taking his daughter-in-law for timely treatment. Similarly situated co-accused have been granted the concession of anticipatory bail by this Court on 21.03.2017 in CRM-M-43606 of 2016. It is urged that observation of the learned Additional Sessions Judge, Amritsar, to the effect that order dated 08.08.2017 declaring the petitioner to be a Proclaimed Offender has not been set aside, is totally unjustified keeping in view the fact that the petitioner has since been arrested and is in custody. Therefore, this petition be allowed.

Learned counsel for the State, on instructions, from ASI Jaspal Singh, Police Station Beas, District Amritsar, verifies the factual position as above including the grant of anticipatory bail to the similarly situated co-accused by this Court on 21.03.2017.

The petitioner is not reported to be involved in any other criminal case. There are no allegations that petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail. No useful purpose shall be served by keeping the petitioner incarcerated any longer.

Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition. Consequently, the petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the learned trial Court. It is made clear that the petitioner shall not leave the country without seeking prior permission of the learned trial Court.

None of the observations made here-in-above shall be construed to be a reflection on merits of the case and shall have no bearing on trial.

03.10.2017

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**(LISA GILL)
JUDGE**

Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No