

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2418-2018 (O&M)

Date of decision: 25.01.2018

Ravi Kant

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Abhay Pal Singh Gill, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.50 dated 07.04.1989 under Sections 323, 324, 34 IPC, registered at Police Station Kharar, District SAS Nagar (Mohali).

Learned counsel for the petitioner submits that complainant Prem Lata has lodged a cross-version in the present FIR and as per the version given in the FIR, Amneet Kant, brother of the petitioner, suffered 75% permanent disability at the hands of sons of the complainant. Counsel for the petitioner further submits that the matter was compromised between the parties and the petitioner travelled to abroad in February, 1992 and has not returned to India under a bonafide impression that the trial has been completed. Counsel for the petitioner has relied upon the judgment dated 11.10.1993, vide which three accused persons including the petitioner have been shown to have been

acquitted in the present FIR. Counsel for the petitioner also submits that on inquiry from the counsel representing him in the trial Court, the petitioner came to know that the petitioner stands acquitted, however, the order dated 19.10.1992 declaring him a proclaimed offender was not set aside. It is further submitted that even the complainant has furnished an affidavit before the Court that he do not want to prosecute the matter against the petitioner.

Counsel for the petitioner has relied upon the settlement effected between the parties and as per Clause 2 of said settlement, it was agreed that the parties will withdraw their criminal proceedings against each other and from the side of the petitioner, it was undertaken that they will not claim any amount in pursuance to the Civil Court decree regarding the injuries caused to brothers of the petitioner. It is further submitted that in another FIR No.5 dated 11.01.1991 under Sections 307, 324, 32, 342, 365, 34 IPC, Police Station Kharar, which is also between the same parties, the petitioner was declared as a proclaimed offender and the Additional Sessions Judge vide order dated 16.01.2018 has granted bail to the petitioner.

Learned State counsel, on instructions from ASI Balbir Singh, has not disputed the factual position, however, submitted that the petitioner was declared as proclaimed offender in 1992 and has evaded the prosecution.

After hearing learned counsel for the parties, considering the fact that the parties have entered into a compromise and co-accused of the petitioner have already been acquitted by the trial Court vide judgment dated 11.10.1993, a perusal of which shows that in fact, no such finding was recorded that the petitioner was a proclaimed offender. Since the petitioner who was declared as proclaimed offender in FIR No.5 dated 11.01.1991 and was granted regular bail

vide order dated 16.01.2018, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his personal bond in the sum of Rs.50,000/- with two sureties of like amount to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, subject to the condition that he shall surrender his passport or furnish an undertaking that he has surrendered his passport in aforesaid FIR No.5 and shall not leave India without prior permission of the Court and will face the trial.

Since the petitioner has delayed the proceedings of the case, he is directed to deposit the amount of costs of Rs.10,000/- with the District Legal Services Authority, SAS Nagar (Mohali).

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

25.01.2018
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No