

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

**Criminal Misc. No. M-26628 of 2018
Date of decision: 30.07.2018**

Avtar Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Ashok Giri, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab
for the respondent -State.

Daya Chaudhary, J. (Oral)

This petition has been filed by the petitioner-Avtar Singh under Section 439 Cr.P.C. for grant of regular bail in case FIR No.96 dated 30.10.2011 registered under Sections 307, 452, 336, 427, 506, 148, 149 IPC and Sections 25 and 27 of the Arms Act at Police Station Ghanie Ke Banger, Police Distt. Batala, District Gurdaspur.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case. Earlier the petitioner was released on anticipatory bail by this Court and was appearing before the trial Court regularly. During pendency of the proceedings, a compromise was arrived at between the parties and it was settled that both the parties should not pursue their respective cases. By having this impression in mind that a compromise has been arrived at, the petitioner did not appear before the trial Court on 07.10.2017. Learned counsel further submits that co-accused of the

petitioner have been acquitted by the trial Court vide judgment dated 04.01.2018 and the petitioner was declared proclaimed offender. Learned counsel also submits that the petitioner himself surrendered before the trial Court on 13.05.2018 and since then, he is in custody. Learned counsel also submits that same evidence is there against the petitioner and there was no intention to remain absent. No overt act has been attributed to the petitioner and no injury has been caused by the petitioner but he was shown to be armed with *datar*. As per allegations levelled in the FIR, ten accused entered into the house of the complainant and one of them fired shot but it did not hit anybody. At the end, learned counsel for the petitioner submits that the petitioner was wrongly declared proclaimed offender and no procedure was adopted.

Learned State counsel has not disputed the submissions made by learned counsel for the petitioner as well as the acquittal of co-accused by the trial Court.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file.

Admittedly, co-accused of the petitioner has been acquitted of the charge by the trial Court vide judgment dated 04.01.2018. The petitioner remained absent from the Court proceedings only on one date and was declared proclaimed offender. It is also not disputed that earlier the petitioner was granted anticipatory bail and was appearing before the trial Court regularly. The complainant and other prosecution witnesses have not supported the case of the prosecution. Same evidence is there against the

petitioner.

In view of the facts as mentioned above, the present petition is allowed. The petitioner (Avtar Singh) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court. The petitioner remained absent and thereafter surrendered before the trial Court and the trial Court is to go with the trial of the present petitioner only, the petitioner is burdened with cost of ₹20,000/- for wastage of precious time of the Court as other accused have already been acquitted of the charge.

30.07.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No