

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

**AT CHANDIGARH**

**Criminal Misc. No.M-28666 of 2018**

**Date of Decision: 17.07.2018**

Harjang Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

**CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA**

Present:- Mr. Monty Goyal, Advocate  
for the petitioner.

Mr. Surinder Pal Singh Tinna, Addl.A.G., Punjab.  
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**HARI PAL VERMA, J. (Oral)**

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.45 dated 29.05.2013 under Section 379 IPC and Section 21 Mining Act registered at Police Station Koom Kalan, District Ludhiana during the pendency of trial.

Learned counsel for the petitioner contends that on account of some miscommunication made by some Court official that he has been acquitted in the case, he had gone to Dubai in 2016, which led to initiation of PO proceedings against him and accordingly, the petitioner was declared as proclaimed offender on 10.03.2016. However, he returned back to India on 27.07.2017 and when he was present in his house, he was arrested on

the ground that he was never acquitted by the trial Court. Learned counsel for the petitioner further submits that before going to Dubai, the petitioner was on bail and he is in custody since 17.04.2018.

Learned State counsel, on instructions from ASI Gurdyal Singh, submits that the petitioner has rightly been declared as proclaimed offender, as he did not appear before the trial Court. Moreover, the petitioner has failed to furnish any such detail or name of the Court official who had informed him that he has been acquitted.

I have heard learned counsel for the parties.

It has not been disputed that before leaving to Dubai, the petitioner was on bail and on 10.03.2016, he was declared as proclaimed offender. However, on 17.04.2018, he has been arrested and taken back in custody and since then, he is in custody. Considering the fact that the petitioner is ready to face trial and trial in the case will take long time and no useful purpose will be served to keep the petitioner in custody, I deem it appropriate to release him on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of her bail bonds/surety bonds to the satisfaction of trial Court. The trial Court may put any other conditions as it may deem appropriate in the facts and circumstances of the case.

July 17, 2018  
**AK**

**( HARI PAL VERMA )**  
**JUDGE**

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No