

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

**CRM-M No. 28881 of 2018
Date of Decision: 19.7.2018**

Harbhajan Singh

.....Petitioner

v.

State of Punjab

.....Respondent

CORAM HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. G.S. Randhawa, Advocate, for
Mr. Dhawaljeet Dutta, Advocate, for the petitioners

Mr. K.S. Aulakh, DAG, Punjab

RAJBIR SEHRAWAT, J.

Present petition has been filed under Section 439 of the Cr.P.C. for seeking bail pending trial in the FIR No. 177 dated 22.8.2012 under Sections 420 IPC, registered at Police Station City Batala, District Gurdaspur.

Learned counsel for the petitioner submits that the petitioner has not committed any crime as alleged in the FIR. In any case, assuming the allegation of complainant to be correct, it is only a civil dispute. The petitioner is in custody since 12.4.2018.

Learned State counsel, being instructed by HC Jagdev Singh, submits that the petitioner was declared proclaimed offender in the year 2015 and he was arrested on 12.4.2018. It is further submitted that even the charge has not been framed so far.

Be that as it may, the fact remains that the petitioner was not absconding from 2011 to 2015. Still further even the bare perusal of the FIR shows that it is a case of civil nature for which the remedy of civil suit is very

much available to the complainant. There is nothing on record to show that the complainant has availed the remedy of civil suit.

In view of the above submissions of learned counsel for the petitioner, but without commenting upon the merits of the case, it is ordered that the petitioner shall be released on bail pending trial, on his furnishing bond/sureties to the satisfaction of the trial Court/Duty Magistrate.

(RAJBIR SEHRAWAT)
JUDGE

19.7.2018
Ashwani

Speaking/Reasoned	Yes/No
Reportable	Yes/No