

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

**Criminal Misc. No. M-32690 of 2018
Date of decision: 30.10.2018**

Harpreet Singh @ Sunny

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Rajiv Joshi, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab
for the respondent-State.

Daya Chaudhary, J.

The present petition has been filed by petitioner-Harpreet Singh @ Sunny under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.29 dated 04.02.2009 registered under Sections 382, 411 read with Section 34 IPC at Police Station Maqsudan, District Jalandhar during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case whereas he was not involved. Learned counsel further submits that earlier the petitioner was released on regular bail and was attending the Court proceedings regularly till 07.09.2010. Thereafter, the petitioner went abroad for financial help as he got the impression that he was released on bail and his presence was not required. The petitioner was declared proclaimed offender vide order dated 29.01.2011 and he came to know with regard to this order only when he

returned back to India and surrendered before the trial Court on 10.05.2018 and since then, he is in custody. Learned counsel also submits that the trial may take some time to conclude and no useful purpose would be served by keeping the petitioner in custody. Learned counsel also submits that even the PO proceedings were initiated without following mandatory provisions as the statutory period of 30 days had not expired before appearance. It is also the argument of learned counsel for the petitioner that co-accused of the petitioner, namely, Hussan Lal @ Happy @ Bhushan was released on regular bail by the trial Court vide order dated 10.11.2012.

Learned State counsel has not disputed the custody period as well as release of co-accused on regular bail but has opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner remained absent from the Court proceedings for a period of seven years.

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, the petitioner was earlier released on regular bail and was attending the Court proceedings regularly till 07.09.2010. Thereafter, he did not appear before the trial Court as he went abroad. The petitioner was declared proclaimed offender vide order dated 29.01.2011. Undisputedly, the petitioner remained absent from the Court proceedings under the wrong impression but he himself surrendered before the trial Court on 10.05.2018 when he came to know about the PO proceedings and since then, he is in custody. Co-accused of the petitioner, namely, Hussan

Lal @ Happy @ Bhushan has been released on regular bail by the trial Court vide order dated 10.11.2012. The petitioner is ready to abide by all terms and conditions to be imposed by this Court or by the trial Court.

Accordingly, the present petition is allowed and the petitioner (Harpreet Singh @ Sunny) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court subject to deposit of an amount of ₹20,000/- before the trial Court.

30.10.2018	(DAYA CHAUDHARY)
neetu	JUDGE
Whether speaking/reasoned	Yes
Whether Reportable	No