

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

**CRM-M No.16620 of 2018
Date of Decision:- 14.02.2019**

Gulzar SinghPetitioner

V/S

State of Punjab and anotherRespondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Nandan Jindal, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

HARINDER SINGH SIDHU J.

This petition has been filed under Section 438 for grant of anticipatory bail to the petitioner in complaint case No.217/2005 dated 31.08.2005, titled 'Meher Singh Vs. Joginder Singh and others' under Section 302, 148 and 149 IPC.

The FIR was lodged on the complaint of one Mehar Singh, who stated that he has two sons , namely, Arjun Singh and Gurdas Ram, who used to work in a factory at Ludhiana. Gurdas Ram younger son of the complainant went to his village on 02.08.2004 at 11.00 am and the complainant had gone to Chandigarh for some personal work. When he returned on 03.08.2004, he came to know that his son (Gurdas Ram) has been murdered. Accordingly, the case was registered against the petitioner and four other accused. After investigation, all the accused were found innocent. The Police filed an application for discharging the accused persons, which was accepted. All the accused including the petitioner were released from custody in the year 2004.

Thereafter, the complainant filed private complaint dated 30.08.2005. Ld. JMIC, Mukerian vide order dated 16.07.2012, summoned the present petitioner along with four accused to face the trial for the offences under Sections 302, 148, 149 IPC. As the petitioner was released on bail in 2004 and no inquiry was pending, he went to abroad on 17.09.2009. When he was abroad, the proceedings under Section 82 Cr.P.C. were initiated and he was declared proclaimed offender vide order dated 05.03.2013.

The petitioner filed CRM-M No.883 of 2017 for quashing the order dated 05.03.2013 of the Ld. JMIC, Mukerian whereby he was declared proclaimed offender. Taking note of the fact that proceedings had been initiated when the petitioner was abroad, the petition was allowed and the impugned order dated 05.03.2013 was set aside. Meanwhile, the complaint proceeded against remaining accused and they were convicted vide judgment dated 23.09.2014. They preferred an appeal before this Court, bearing CRA-D-1714-DB-2014. Vide detailed orders dated 15.07.2015 and 24.09.2015, the sentence awarded to the co-accused, was suspended.

Learned counsel for the petitioner states that the petitioner is ready to face the trial.

In view thereof, the petitioner may appear before the Trial Court on or before the 28.02.2019. On his doing so, he shall be enlarged on interim bail on his furnishing bail bonds to the satisfaction of the trial Court. The petitioner undertakes that he would appear as and when directed by the trial Court and face trial. He shall remain bound by his undertaking.

Disposed of.

(HARINDER SINGH SIDHU)
JUDGE

14.02.2019

Atul

Whether speaking/reasoned

Yes

Whether reportable

Yes/No