

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-34909-2019 (O&M)
Date of Decision:- 3.12.2019

Shakti ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Tarun Vir Singh Lehal, Advocate, for the petitioner.

Ms. Rashmi Attri, AAG, Punjab,
assisted by HC Sukhwinder Singh.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Shakti has approached this Court seeking grant of regular bail in a case registered vide FIR No.87, dated 9.4.2013, registered at Police Station City Batala, District Gurdaspur, under Sections 354-B, 354, 506, 324, 34 IPC.
2. The FIR was lodged at the instance of the victim wherein it has been alleged that on 8.4.2013 she along with her son Daksh and husband

Rakesh Sarna went to have spring-roll at “Pahari Gate” on their scooter. While they were present there, Sunny and Shakti along with 2 other boys who were in inebriated condition came there and Sunny and Shakti started molesting her and touched her back. When the victim objected to the same, the said accused held out threats to eliminate her. When the victim’s husband tried to reason out with the aforesaid accused, then Sunny and Shakti picked up knives from the handcart of spring-roll costermonger and Shakti gave a blow with a knife upon complainant’s husband hitting him on his right hand. When the complainant raised alarm the said accused hurled abuses. Later the complainant and her husband went to civil hospital where her husband was given first-aid.

3. The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that the falsity of the case would be evident from the fact that co-accused Sunny who was tried by the Court of learned Sub Divisional Judicial Magistrate, has been acquitted as the prosecution witnesses did not support the case of the prosecution. A prayer has thus been made for grant of regular bail.
4. Opposing the petition, the learned State counsel has submitted that it is a case where the petitioner had been declared a “Proclaimed Offender” and he remained absconding for a good more than 5 years and that if granted bail there is likelihood that he may again flee from justice.

5. I have considered rival submissions addressed before this Court. Bearing in mind the conduct of the petitioner who had remained absconding for a good more than 5 years, this Court finds that the conduct of the petitioner has disentitled him for grant of bail at this stage especially since the material PWs are yet to be examined. The petition , as such, is dismissed.
6. The Trial Court is however, directed to expedite the conclusion of trial and to endeavour to conclude the same in the shortest possible time preferably within a period of 4 months from today. The Trial Court shall take necessary steps for ensuring that petitioner is produced by jail authorities on each and every date and also ensure the presence of PWs. The Senior Superintendent of Police, concerned shall ensure that needful is done for securing timely presence of petitiner and witnesses on the dates fixed.
7. A copy of this order be sent to Senior Superintendent of Police, Gurdaspur so as to enable him to do the needful.

December 3, 2019

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No