

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-36054 of 2019
Date of Decision: 05.09.2019

Vishav Partap Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. G.K. Mann, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.65 dated 18.08.2011 registered for offences punishable under Sections 307, 326, 324, 323, 427, 148, 149 of Indian Penal Code (for short, "IPC") and 25 of the Arms Act, at Police Station Majitha, District Amritsar Rural.

Heard.

Notice of motion.

On asking of the Court, Mr. Avtar Singh Sandhu, Addl. A.G. Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

Learned counsel for the petitioner submits that the petitioner, who was proclaimed offender in this case, was arrested on 12.03.2019 and till date challan against him has not been filed in Court by the police.

Learned State counsel on instructions from ASI Ajit Singh submits that petitioner was named in the instant FIR as main accused, who

had fired shot, which did not hit anybody. FIR was registered in the year 2011 and thereafter, the petitioner was declared proclaimed offender on 15.01.2015. The police presented challan against other accused and the matter with regard to petitioner was kept under investigation. In the meanwhile, on the application of prosecution, the petitioner was ordered to be summoned as additional accused vide order dated 21.08.2014. The petitioner was arrested in this case on 12.03.2019. Challan against him has not been presented in Court so far as the report of one of the investigating officer declaring him as innocent is under consideration of higher authorities.

In view of submission of learned State counsel, period of 90 days after the arrest of petitioner has lapsed and he has become entitled to bail as per provisions of Section 167 (2) Cr.P.C. Even otherwise, as per report of one of the investigating officer, the petitioner is stated to have been found innocent and that report has not been dissented by the higher authorities so far.

Keeping in view above facts but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Vishav Partap Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel

his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.

- (c) He shall not leave the country without the previous permission of the Court.

September 05, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No