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

CRM-M No. 3657 of 2020
Date of Decision: 05.08.2020

Wazir Singh @ Vajeer Singh @ Rana

-Petitioner

Vs

State of Punjab

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Narender Pal Bhardwaj, Advocate,
for the petitioner.

Mr. Rana Harjasdeep, D.A.G., Punjab.

RAJ MOHAN SINGH, J. (ORAL)

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C. in case bearing FIR No.360 dated 30.11.2014 under Sections 395, 397, 420, 120-B IPC registered at Police Station Zirakpur, District SAS Nagar.

FIR in question was registered at the instance of complainant namely Punjab Singh. Allegations are of cheating in a sum of Rs.51 lacs by the petitioner and co-accused Harwinder Singh @ Harry on the pretext of sending the nephew of the complainant namely Varinder Singh Kala abroad.

Further allegations are that Swift car has also been snatched away.

FIR shows that Varinder Singh Kala, Amanjinder Singh and Harpreet Singh in conspiracy with each other including Harwinder Singh @ Harry called the complainant to Chandigarh and forcibly took Rs.51 lacs from him.

Petitioner was declared as Proclaimed Offender on 23.02.2016. Harwinder Singh @ Harry was declared as Proclaimed Offender on 25.02.2016.

Petitioner was arrested on 06.09.2019 and co-accused Harwinder Singh @ Harry was arrested on 07.10.2017. Challan against co-accused namely Kamaljit Singh @ Kamal and Joginder Singh @ Gindu was presented in the Court and they were tried separately.

Vide judgment and order dated 13.02.2017, they were convicted for the offence under Sections 392, 120-B and 411 IPC and were sentenced to undergo rigorous imprisonment for 04 years with fine.

Trial of the petitioner and co-accused could not progress on account of their status of being Proclaimed Offenders. Trial of co-accused (in which the prosecution evidence has been led) has become standstill due to status of the petitioner.

Co-accused Joginder Singh @ Gindu has been granted regular bail by the High Court in CRM-M No.31670 of 2015 vide order dated 28.09.2015. Co-accused Kamaljit Singh @ Kamal has also been granted regular bail by the High Court in CRM-M No.14427 of 2015 vide order dated 30.07.2015.

Harwinder Singh @ Harry (whose trial is also pending) has also been granted regular bail by the High Court in CRM-M No.15516 of 2019 vide order dated 06.12.2019.

Petitioner is in custody since 06.09.2019.

Charges have not been framed so far.

Owing to the situation arising out of pandemic COVID-19, petitioner seeks indulgence of this Court for grant of regular bail.

Per contra, learned State counsel states that since the petitioner was declared as Proclaimed Offender on 23.02.2016, therefore, in the event of grant of bail, he may further abscond from law, therefore, for smooth trial of the case, petitioner is not entitled for regular bail. He has admitted that the trial has not progressed so far.

Having heard learned counsel for the parties and keeping in view the situation arising out of pandemic COVID-19, I deem it appropriate to release the petitioner on regular bail,

subject to his furnishing heavy bail bonds/surety bonds to the satisfaction of trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an opinion on the merits of the case.

05.08.2020
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No