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

**CRM-M-19059-2020**  
Date of decision: 31.07.2020

**Jagrup Singh**

**.....Petitioner**

**V/s.**

**State of Punjab**

**.....Respondent**

**CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR**

Present: Mr. Arjunveer Sharma, Advocate, for the petitioner.

Mr. H.S. Sullar, Deputy Advocate General, Punjab.

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**Sanjay Kumar, J.**

The petitioner is one of the accused in FIR No. 91 dated 09.05.1987 on the file of Police Station Jagraon, District Ludhiana, registered under Sections 380, 427, 436 and 457 IPC. By way of this petition, he seeks anticipatory bail under Section 438 Cr.P.C.

According to the petitioner, he was implicated in as many as 28 FIRs in the year 1987 and was in police/judicial custody in relation therewith. He claims that he failed to follow up the proceedings in relation to the subject FIR by oversight and that he had no intention whatsoever to avoid the process of law. He pointed out that he was elected to the Gram Panchayat of Village Burj Malian, Block and Tehsil Raikot, District Ludhiana, in the year 2013, which clearly evidenced that he was not in hiding. He stated that the police is now seeking to take action in relation to the subject FIR.

The Deputy Superintendent of Police, Raikot, District Ludhiana Rural, filed a reply. Therein, he conceded that the co-accused of the petitioner in this case was already tried and acquitted by the jurisdictional criminal Court on 27.01.1993 but stated that, as the petitioner was declared a proclaimed offender by the trial Court in November, 1992, the case against him was kept pending. He further stated that the petitioner had intentionally absented himself during the proceedings before the jurisdictional criminal Court, leading to his being declared a proclaimed offender. However, neither side is in a position to demonstrate whether the petitioner was in custody in relation to some other case at that point of time or whether he was actually free, whereby he could be accused of deliberately absenting himself.

Given the above facts and more so, the antiquity of the case and also the acquittal of the co-accused on merits, this Court is of the opinion that the petitioner would be entitled to grant of pre-arrest bail, subject to conditions.

The petition is accordingly allowed directing the release of the petitioner on bail in the event of his arrest in FIR No. 91 dated 09.05.1987 on the file of Police Station Jagraon, District Ludhiana, upon the petitioner furnishing a personal bond for a sum of Rs. 20,000/- along with two sureties for a like sum each to the satisfaction of the Investigating/Arresting Officer. The petitioner shall also abide by the conditions prescribed in Section 438(2).

**(SANJAY KUMAR)**  
**JUDGE**

31.07.2020

rakesh

whether speaking/non speaking : Yes/no

whether reportable/non reportable : Yes/no