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

**CRM-M-18827-2020
Date of Decision: 04.08.2020**

Joginder Singh @ Midda

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Buta Singh Bairagi, Advocate,
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

SUDIP AHLUWALIA, J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure on behalf of the petitioner, seeking regular bail in case FIR No.66 dated 12.10.2011, under Sections 395, 399, 402, 148 and 149 of the IPC and Sections 25 and 54 of the Arms Act, registered at Police Station Badhni Kalan, District Moga.

2. The petitioner was originally on bail in the case, but absented from the proceedings on 14.03.2014, after which he was declared a Proclaimed Offender. His explanation in this regard is that he had been falsely implicated

by the Police in any number of criminal cases, in most of which he was ultimately acquitted, and was under a *bona fide* belief of having being acquitted along with the co-accused persons in the said case.

3. A list of 24 other cases, apart from the present FIR, has been mentioned in Para No.8 of the petition. It transpires that the petitioner has been acquitted in as many as 17 of those cases, while FIR No.90 dated 24.06.2014, under Sections 447/448/148/149 of the IPC and Section 25 of the Arms Act, registered of Police Station Nihal Singh Wala, was cancelled. In addition, the co-accused were acquitted in two other FIR cases shown at Serial Nos.11 and 12 of the concerned list, but the petitioner has been shown to be a Proclaimed Offender, while investigation in one FIR being No.59 dated 01.06.2019, under Section 61 of the Excise Act, registered at Police Station Badhni Kalan, is pending and challan against the petitioner has been submitted in another case under Section 120-B of the IPC, in which he was implicated while in custody in connection with another FIR No.58 dated 12.05.2017 under Sections 22, 61 and 85 of the NDPS Act and Section 25 of the Arms Act, registered at Police Station Nihal Singh Wala. The petitioner has only been convicted in one case under the Arms Act, and another under Sections 61/01/14 of the Excise Act, in which the sentence awarded to him was only of payment of fine to the tune of Rs.200/-.

4. It further transpires that all the co-accused persons in the present case have already been acquitted by the Ld. Trial Court.

5. In such circumstances, in the opinion of this Court, further detention of the petitioner, subsequent to his re-arrest on 21.05.2020, is not required. He is, therefore, ordered to be released on bail to the satisfaction of

the Ld. Trial Court/Duty Magistrate, concerned, which shall, however, impose appropriate stringent conditions to ensure that he does not skip the trial again.

6. Disposed off.

04.08.2020

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

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