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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26733-2020

Date of decision: 11.09.2020

Dalbir Singh @ Bhola

.....Petitioner

V/s.

State of Punjab

.....Respondent

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Rahul Bhargava, Advocate, for the petitioner.

Mr. S.P.S. Tinna, Additional Advocate General, Punjab.

Sanjay Kumar, J.

The petitioner is one of the accused in FIR No. 157 dated 02.07.2008 on the file of Police Station Sadar, District Hoshiarpur, registered under Sections 452, 427, 506 and 34 IPC. By way of this petition filed under Section 439 Cr.P.C, he seeks grant of regular bail.

Be it noted that the petitioner was declared a proclaimed offender on 24.04.2011 in relation to this case and he surrendered before the Court only on 15.01.2020. He was arrested on the said date and has been in custody since then.

The case of the prosecution was that the petitioner and his co-accused caused death threats to the complainant, Jatinder Kumar, apart from trespassing into his uncle's house and causing damage. Significantly, by judgment dated 03.04.2012 passed in Criminal Challan

No.174/03.11.2009, the learned Judicial Magistrate, Hoshiarpur, acquitted the three co-accused of the petitioner. The case was kept pending only in relation to the petitioner, as he was declared a proclaimed offender and was absconding.

Perusal of the judgment demonstrates that the complainant, Jatinder Kumar, turned hostile and the other alleged eye-witness was not even examined.

Mr. S.P.S.Tinna, learned Additional Advocate General, Punjab, would however point out that as many as nine other FIRs have been registered against the petitioner. He would argue that this aspect also has to be taken into consideration.

However, the fate of this case practically stands sealed by the acquittal judgment delivered by the learned Magistrate in relation to the co-accused of the petitioner. There is no possibility of the case improving against the petitioner at this stage. The mere pendency of other FIRs against the petitioner may not be reason enough to deny bail to him in the present case, given the admitted facts. It is for the State to secure the custody of the petitioner in relation to these other cases as per due procedure and in accordance with law. Securing his custody for the purpose of the other cases through the process of this case would not be a lawful measure.

The petition is accordingly allowed directing the release of the petitioner on regular bail in FIR No. 157 dated 02.07.2008 on the file of Police Station Sadar, District Hoshiarpur, upon his furnishing a personal bond for a sum of ₹ 1,00,000/- along with two sureties for a like sum each to the satisfaction of the Illaqa/Duty Magistrate concerned. Further, the

petitioner shall not cause any inducement, threat or promise to any person connected with the case and shall maintain peace and good conduct.

(SANJAY KUMAR)
JUDGE

11.09.2020

rakesh
whether speaking/non speaking : Yes/no
whether reportable/non reportable : Yes/no