

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

CRM-M No.23096 of 2020

Date of Decision : 27.08.2020

Gurdeep Singh @ Billa

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Madan Sandhu, Advocate
for the Petitioner.

Ms. Monika Jalota, Dy. Advocate General, Punjab
for the Respondent/State.

SUDIP AHLUWALIA, J. (ORAL)

The instant Petition has been filed under Section 439 of the Code of Criminal Procedure seeking Regular Bail on behalf of the Petitioner in case FIR No.106, dated 19th June, 2007, registered under Sections 363/366-A of the Indian Penal Code, 1860 (Section 376 of the IPC added later on) at Police Station Balachaur, District Nawanshahar (SBS Nagar).

2. The Petitioner was originally on bail and was appearing before the Ld. Trial Court regularly. He however absented on one solitary date (31st October, 2012) on account of which coercive processes were issued against him after cancellation of his Bail Bonds and he was subsequently declared a Proclaimed Offender.

3. The other co-accused persons in the same case were however acquitted after a regular trial, on 19th November, 2012.

4. The Petitioner was subsequently re-arrested more than one year

ago on 6th August, 2019 and has remained in detention thereafter. His submission in this regard is that he was unable to appear in the Ld. Trial Court on the relevant date i.e. 31st October, 2012 as at that time he was based in Uttar Pradesh and there was some communication gap between him and his Counsel.

5. Considering that subsequent to his re-arrest the Petitioner has already remained in detention for more than one year now, this Court is of the opinion that his further detention for an indefinite period in the circumstances is not justified particularly in view of the fact that all the other accused persons in the meantime have already been acquitted on merits by the Ld. Trial Court.

6. For the aforesaid reasons, the present Petition is allowed and the Petitioner is ordered to be released on bail to the satisfaction of the Ld. Trial Court/Duty Magistrate concerned.

August 27, 2020

Dpr

**(SUDIP AHLUWALIA)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No