

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

(213)

CRM-M-31815-2020

Date of Decision: October 14, 2020

Davinder Singh @ Gindri

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Rishma Verma, Advocate, for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI, J.(ORAL)

Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.108 dated 12.10.2006 under Sections 307, 341, 324 ,323, 148, 149 IPC registered at Police Station Lambra, District Jalandhar.

Learned counsel for the petitioner submits that in the FIR, the petitioner has been stated to be armed with *danda* but no specific injury has been attributed to him. Learned counsel for the petitioner further submits that as the petitioner was declared a proclaimed offender, in the meantime the other co-accuseds, have already been acquitted by the competent Court of law vide decision dated 14.12.2010, on the ground that no evidence has come on record to connect the accused persons with the allegations. Learned counsel for the petitioner further submits that the petitioner is behind bars since January, 2020 and as the trial is likely to take some time, he be granted the benefit of regular bail.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State submits that petitioner did not join the investigation and was declared proclaimed offender in the year 2007 and he was only arrested on 04.01.2020 after a lapse of approximately 12 years. Learned counsel for the respondent-State further submits that in case the petitioner is granted the benefit of bail now, he is likely to abscond.

Learned counsel for the respondent-State concedes that co-accused have already been acquitted on the ground that no evidence has been found against them so as to connect them with the allegations in the FIR.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Though, the petitioner committed a grave error in absconding from law for a period of 12 years, the claim of the petitioner for the grant of bail is considered on the basis of the fact that the co-accused have already been acquitted and that too with the finding that no evidence has come on record so as to connect them with the offences alleged. Allegation against the petitioner is only that he was armed with a '*danda*' and that too without attributing any injury to the petitioner.

The petitioner is already behind the bars for the last about nine months. As the trial is likely to take some time, the petitioner is granted the

concession of bail as he undertakes to comply with all the conditions including his presence on every hearing till the trial is over, unless and until granted exemption by the Competent Court of Law.

Keeping in view the above, the petitioner has made out a case for the grant of regular bail.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence trial in any manner including influencing the witnesses and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

October 14, 2020
harsha/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No