

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

CRM-M-1440 of 2021

DECIDED ON: 19th JANUARY, 2021

Bhupinder Singh

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Naveen Batra, Advocate for petitioner.

Ms. Samina Dhir, DAG, Punjab.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

The petitioner is before this Court for regular bail in case FIR No. 49 dated 2.5.2015 under Sections 323, 326, 458, 459, 450, 201, 148 and 149 IPC, registered at Police Station Nangal, District Rupnagar.

The facts in narrow compass are that FIR was at the instance of Anita Devi. The allegations were that on 1.5.2015 at about 10:30 p.m. Gajjan Singh, Bhupinder Singh @ Bindi and Bakshish Singh alongwith 3-4 others men armed with kirpan, gandasa, datar and danda came and entered the room. Bhupinder Singh @ Bindi gave a kirpan blow on the head of her husband. On her making noise, Gajjan Singh gave datar blow which hit on her elbow. The co-accused were tried and were convicted for three years. The petitioner was declared Proclaimed Offender (PO) in October 2015. He was arrested on 10th June, 2020. An application for regular bail was moved which was dismissed on 23.7.2020. Hence, the present petition.

Mr. Naveen Batra, Advocate appearing for the petitioner submits that the petitioner is a truck driver and generally remains with the truck and it was for this reason that the circumstance so happened that he had to be declared PO. He further offers that *inspite of* his weak financial position, the petitioner is ready to furnish an FDRs of Rs.50,000/- before the trial Court to show his *bona-fide* so that his presence is ensured as and when required in the trial.

Learned State counsel opposes the prayer for bail and submits that the petitioner has been successfully able to evade the trial proceedings for almost more than five years.

The entire endeavour in such cases is to ensure the presence of the accused. Considering the explanation put forth by the petitioner and the fact that the matter of the co-accused is still pending in this Court in appeal, the petitioner is granted regular bail subject to depositing Rs.50,000/- with the trial Court within ten days from today. The amount so deposited shall be kept in a nationalized bank and would be subject to outcome of the trial. In case of the failure of the petitioner to appear on any of the date when called for, the amount so deposited shall be forfeited.

The petition is disposed of accordingly.

(AVNEESH JHINGAN)
JUDGE

19th JANUARY, 2021

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Whether speaking/reasoned *Yes*

Whether reportable *Yes*