

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 23582 of 2021

Date of Decision: 16.8.2021

Kuldeep Singh alias Fauji

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. G.S.Chahal, Advocate and
Mr. Angad Chahal, Advocate
for the petitioner.

Mr. H.S.Sitta, AAG, Punjab.

Mr. Deepak Gupta, Advocate
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner seeks regular bail in FIR No. 38 dated 18.3.2018 under Sections 307, 341, 148, 149 IPC and Sections 25 and 27 of the Arms Act, 1959 and Section 302 IPC (added later on and Sections 307, 148, 149 IPC deleted later on) registered at Police Station Bhikiwind now P.S. (Kacca Pacca), District Tarn Taran.

Status report by way of affidavit of Deputy Superintendent of Police, Sub Division Valtaha Camp at Bhikhiwind, District Tarn Taran dated 15.7.2021, filed in the Registry, is taken on record.

Custody certificate by way of affidavit of Deputy Superintendent, Sub Jail, Patti dated 14.8.2021 has been filed through e-mail. Copy of the same is taken on record.

Learned counsel for the petitioner submits that during enquiry conducted by the Superintendent of Police (Investigation), Amritsar Rural, the petitioner and his brother were found innocent on 29.5.2018 and they were released from the judicial custody on 11.6.2018. He further submits that while presenting the challan, the petitioner and two other co-accused were kept in column No. 2, however, the petitioner and his brother had been summoned by the Sessions Court, under Section 193 Cr.P.C. as additional accused to face the trial. Moreover, the order dated 05.4.2019, declaring the petitioner a proclaimed offender has been set aside vide order dated 26.2.2021 passed by this Court and the petitioner has been in custody since 15.3.2021.

Learned State counsel, who is assisted by the learned counsel for the complainant, submits that that petitioner is the main accused, who had given the injury to deceased Jaspal Singh.

Learned counsel for the complainant further submits that the petitioner remained a proclaimed offender for approximately two years but no action has been taken by the police to arrest him.

I have heard the learned counsel for the parties.

It is a case in which initially the petitioner and the other co-accused were declared innocent by the investigating agency and while presenting the challan, they were kept in column No. 2. Thereafter the Sessions Court, on the application moved by the prosecution, summoned the petitioner and the other co-accused under Section 193 Cr.P.C., as additional accused to face trial. Moreover, the order dated 05.4.2019, declaring the petitioner a proclaimed offender has already been set aside by this Court on 26.2.2021. The petitioner has been in custody since 15.3.2021. The trial will

take time to conclude because of Covid-19 pandemic. No useful purpose would be served by keeping the petitioner behind the bars.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

August 16, 2021
Gurpreet

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