

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

CRM-M-22840 of 2020.

Decided on:- January 28, 2021.

Amandeep Singh alias Assa.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Gurpreet Singh, Advocate
for the petitioner.

Mr. Avtar Singh Sandhu, Addl. A.G., Punjab.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

The petitioner has filed this petition under Section 439 Cr.P.C. seeking regular bail in FIR No.67 dated 13.08.2012 under Sections 307, 148, 149 and 201 IPC as well as Sections 25 and 27 of the Arms Act, 1959 registered at Police Station Dugri, District Ludhiana.

Learned counsel for the petitioner submits that the present is a case of version and cross-version. The petitioner was arrested in the case on 28.08.2012 after having recovered from the injuries inflicted by the complainant in the present case. Thereafter, the petitioner approached the Court for concession of regular bail. The petitioner was granted bail vide order dated 20.12.2012 (Annexure P-3) passed by this Court. However, owing to miscommunication between the petitioner and his counsel, the petitioner

failed to appear before the trial Court on 02.12.2017 resulting in forfeiture of tendered bail bonds in favour of the State of Punjab. Later on, after realizing his mistake, the petitioner surrendered before the trial Court on 17.02.2018 and thereafter, the petitioner was granted regular bail vide order dated 31.03.2018 (Annexure P-4) passed by the trial Court. Thereafter, the petitioner could not appear before the trial Court on 20.05.2019, which resulted in passing of the order dated 07.11.2019 by the trial Court declaring him as a proclaimed offender.

He has further submitted that the petitioner himself surrendered before the trial Court on 14.12.2019. The petitioner is in actual custody for 3 years 10 months and 28 days. Though there are other cases against him, but he is on bail in those cases.

Learned State counsel has filed the custody certificate of the petitioner and does not dispute the custody of petitioner. However, he submits that the petitioner is in habit of being absent from the Court repeatedly. Initially, he was absent on 02.12.2017 and thereafter, again absented on 20.05.2019. As against 18 witnesses cited by the prosecution, 11 witnesses have been examined in the case.

I have heard learned counsel for the parties.

There is no dispute that the petitioner was on bail in the present case. It is on account of his absence from the Court on 20.05.2019, he was declared as a proclaimed offender vide order dated 07.11.2019 passed by the trial Court. Thereafter, he surrendered before the trial Court on 14.12.2019 and since then, he is in custody. The total custody of the petitioner is 3 years 10 months and 28 days, which is not disputed by learned State counsel. As

against 18 witnesses cited by the prosecution, 11 witnesses have been examined in the case so far and in this manner, the conclusion of trial is likely to take long time. Considering the period of custody of the petitioner and the fact that otherwise, he was on bail in the case, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court.

As reflected in the custody certificate, the petitioner is involved in other cases as well. Therefore, it is ordered that in case the petitioner is found indulged in any other case, the prosecution shall be at liberty to seek cancellation of his bail in the present case.

The petitioner is also directed to report to SHO Police Station Dugri, District Ludhiana after every quarterly during the trial.

The observations made hereinabove shall not be construed as any expression of opinion on the merits of the case. The trial Court shall decide the case without being influenced with these observations in any manner.

January 28, 2021
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No