

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

Criminal Misc.-M No.27269 of 2020
Date of Decision: July 16, 2021

Sikandar @ Kali

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ashish Aggarwal, Advocate,
for the petitioner.

Mr. Ramandeep Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.96 dated 16.07.2012, under Sections 341, 307, 148 and 149 IPC, 1860, registered at Police Station, Division No.7, Ludhiana, District Ludhiana. The petitioner is in custody since his re-arrest on 08.04.2019.

The above FIR was registered on the statement of complainant Parshant Kumar, who stated that he is working with Dhillon Group (Samrala Wale), having liquor vends at Jamalpur, EWS Colony, Tejpur Road etc. According to complainant, a team was constituted consisting of complainant, Tarsem Singh, Sonu, Tejpal Singh, Lakhwinder Singh etc. for checking of the said liquor vends, and today, they all were going from EWS colony towards the liquor vend in Bolero vehicle, and when the team

reached near government canteen, then Salim, Sunny and 4/5 other persons stopped them and asked them to come out of the vehicle. The accused persons told them that they used to roam in the area of EWS Colony along with police, upon which the complainant replied that it is their duty. On this, there was an argument between them and the accused persons inflicted injuries upon the complainant and others by using weapons. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner has argued that though the petitioner was granted regular bail in the above FIR, but he absented from trial proceedings w.e.f. 28.05.2015 and was declared proclaimed offender. According to him, the dispute between the parties has been settled and in this regard, he has invited the attention of the court to the affidavit of Parshant Kumar (Annexure P-4). He submits that since the petitioner is in custody w.e.f. 08.04.2019, therefore, he be released on bail as the trial is likely to consume considerable time to conclude.

On the other hand, learned State counsel, assisted by ASI Suresh Kumar has opposed the prayer on the ground that the petitioner is involved in number of cases and in this regard he has produced his custody certificate by way of affidavit of Satnam Singh, PPS, Deputy Superintendent, Central Prison, Ludhiana. According to him, the petitioner does not deserve the concession of regular bail.

After hearing the learned counsel for the parties and considering the above background, this court is of the opinion that the compromise relied upon by the petitioner has no significance considering the nature of the offence and apart from it, petitioner, who was already on regular bail, misused the said concession by absenting from trial

proceedings w.e.f. 28.05.2015 and later on was declared proclaimed offender. Petitioner has been re-arrested on 08.04.2019 and since the FIR is of 16.07.2012, therefore, this court does not find it to be a fit case for releasing the petitioner on regular bail, more particularly when the petitioner is involved in various other cases.

Dismissed.

July 16, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No