

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39013-2021 (O&M)

Date of decision: 03.11.2021

Harpreet Singh @ Smarty

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Rishabh Gupta, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.46 dated 27.03.2015 under Sections 392, 382, 412, 465, 467, 468, 471, 473, 120-B IPC and Section 25/54/59 of Arms Act, registered at Police Station Urban Estate, Patiala.

Learned counsel for the petitioner submits that vide order dated 28.01.2016 passed by the Judge, Special Court, Patiala, the petitioner was

granted the concession of regular bail. Thereafter, the petitioner was regularly appearing before the trial Court, however, he absented from the Court proceedings and later on, vide order dated 09.07.2019, he was declared proclaimed offender. It is further submitted that in the meantime, four co-accused of the petitioner, namely Ranjit Singh @ Bittu, Gurinder Singh @ Kala @ Baba, Harpreet Singh @ Billu, Hanish Thakur and Chanpreet Singh @ Channi, who faced full length trial, have already been acquitted vide judgment dated 18.11.2019.

Learned counsel further submits that the petitioner was later on re-arrested in this case on 24.12.2020 and since then, he is in custody. It is also submitted that total custody of the petitioner is approximately two year and in view of judgment of acquittal of aforesaid co-accused, against whom there are similar allegations, therefore, the prosecution cannot make any improvement during the trial, the petitioner may be granted the concession of regular bail.

Learned State counsel has, however, opposed the prayer for bail on the ground that since the petitioner remained absent, there is possibility of his fleeing from the process of law.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that at one point of time, the petitioner was granted the concession of regular bail, however, he absented and during that period, co-accused, who faced full length trial, stand acquitted vide judgment dated 18.11.2019, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail bonds and

two sureties, out of which one should be local surety, to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

03.11.2021

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[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No