

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

210

**CRM-M-37419-2020
Date of decision: 13.01.2021**

Gurjinder Singh @ Jindu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

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

Mr. Rana Harjasdeep Singh, DAG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of anticipatory bail in case FIR No.139 dated 21.06.2014 registered under Sections 307, 341, 353, 186, 332, 427, 506 and 333 read with Section 34 of the Indian Penal Code, 1860 in Police Station Sadar Tarn Taran, District Tarn Taran.

Vide order dated 16.11.2020 this Court had, while issuing notice of motion, granted interim anticipatory bail to the petitioner with direction to join the investigation and the said order reads as under:-

“The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of anticipatory bail in case FIR No.139 dated 21.06.2014 registered under Sections 307, 341, 353, 186, 332, 427, 506 and 333 read with Section 34 of the Indian Penal Code, 1860 in Police Station Sadar Tarn Taran, District Tarn Taran.

Learned Counsel for the petitioner has submitted

that the petitioner was falsely implicated in the case. The petitioner was granted regular bail vide order dated 16.10.2014. The petitioner could not appear before the Trial Court on 31.07.2019 due to unavoidable circumstances as he went in depression. The petitioner was declared proclaimed offender vide order dated 05.12.2019 which was quashed by this Court vide order dated 21.09.2020. Subject to anticipatory bail order, if any, the petitioner was directed to surrender before the Trial Court within 15 days. The petitioner filed petition for grant of anticipatory bail which was dismissed by learned Additional Sessions Judge, Tarn Taran vide order dated 30.10.2020 due to which the petitioner could not comply with order passed by this Court. The petitioner is ready to abide by the terms and conditions regarding his presence before the Court. The petitioner is also ready to pay the amount of Rs.50,000/- of the personal bond furnished by him before the Trial Court which stood forfeited to the State of Punjab. The petitioner may be granted anticipatory bail.

Notice of motion.

Pursuant to supply of advance copy of the petition, Mr. Sandeep Kumar, DAG, Punjab has appeared and accepted notice on behalf of the respondent-State.

Learned State Counsel seeks time to complete his instructions and filing reply.

Adjourned to 11.12.2020.

In the meanwhile, the petitioner is directed to surrender before the Trial Court within 10 days from today and on such surrender the Trial Court shall release the petitioner on interim bail on furnishing of requisite bail bonds by the petitioner to its satisfaction and deposit of amount of Rs.50,000/- under Section 446 of the Cr.P.C. towards forfeiture of his personal bond as undertaken by him.”

The petition has been opposed by learned State counsel. In terms of affidavit of Sh. Jaspreet Singh, Deputy Superintendent of Police, Sub-Division Goindwal Sahib, District Tarn Taran.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

Learned counsel for the petitioner has submitted that in compliance with the order dated 16.11.2020, the petitioner has surrendered before the trial Court, deposited the amount of Rs.50,000/-

and was released on interim bail.

Learned State counsel has vehemently opposed the petition and submitted that in view of his previous conduct the petitioner does not deserve grant of anticipatory bail and the petition may be dismissed.

However, learned State counsel has acknowledged that in compliance with order dated 16.11.2020 passed by this Court the petitioner has surrendered before the trial Court and was released on interim bail on deposit of amount of Rs. 50,000/- and furnishing of fresh bail bonds.

In view of the facts and circumstances of the case, the petition is allowed and order dated 16.11.2020 is made absolute.

However, In view of the observations made by Hon'ble Supreme Court in ***Doongar Singh Vs. State of Rajasthan 2018 (1) RCR Criminal 256, State of U.P. Vs. Shambhu Nath Singh and others, 2001 (2) R.C.R. (Criminal) 390, Hussain and another Vs. Union of India 2017(2) RCR Criminal 312*** and ***Thana Singh Vs. Central Bureau of Narcotics 2013(1) R.C.R(Criminal) 861***, the trial Court is directed to expedite trial and conclude prosecution evidence preferably within a period of four months from resumption of physical hearing by conducting trial on day to day basis as far as possible and by allocating block of dates for the trial as directed by Hon'ble Supreme Court and by issuing coercive process for securing presence of the witnesses, if so required.

In case of non-appearance of any of the prosecution witnesses, the trial Court shall take appropriate action against the

concerned prosecution witness absenting without any lawful excuse by filing complaint under Section 174 of the Indian Penal Code, 1860 or taking proceedings under Section 350 of the Cr.P.C. against him.

A copy of this order be sent to the trial Court concerned for requisite compliance.

13.01.2021

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(ARUN KUMAR TYAGI)
JUDGE

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