

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

219

CRM-M-7316-2022

Date of Decision :24.02.2022

Sodhi Ram

..Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sarju Puri, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of DDR No.02 dated 17.01.2016 registered under Sections 323, 452, 506, 427, 148 and 149 of the IPC at Police Station Behram, District SBS Nagar registered in FIR No.01 dated 16.01.2016 under Sections 323, 324, 148 and 149 of the IPC at Police Station Behram, District SBS Nagar.

Learned counsel for the petitioner argues that it is a matter of fact that all the accused in the DDR as well as in FIR in question have already been acquitted keeping in view the compromise effected between the parties and as the petitioner was declared a proclaimed offender, though, he was given 15 days time to surrender himself before the Court, but he could not surrender as there was lock down due to the pandemic of Covid-

19. Learned counsel for the petitioner submits that keeping in view the facts and circumstances of this case, as the petitioner is behind the bars for more than one month, he may kindly be granted benefit of regular bail.

Learned State counsel concedes the factum that all the accused in both the cases i.e. DDR in question as well as in FIR have already been acquitted but, submits that as the petitioner did not adhere to law and was declared a proclaimed offender, the prayer of the petitioner for the grant of regular bail may kindly be rejected.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the facts and circumstances of this case, though, it is unfortunate that the petitioner tried to escape the law due to which act he was declared a proclaimed offender but, it is a matter of record that all the accused, either in DDR in question or in FIR, have already been acquitted and the trial is only pending qua the petitioner because he was declared as a proclaimed offender, coupled with the fact that the trial is likely to take some time before it concludes keeping in view the restrictive working of the Courts due to the pandemic of Covid-19, no useful purpose will be served by keeping the petitioner behind the bars, especially, when learned counsel for the petitioner has undertaken before this Court that the petitioner will not obstruct the trial or influence the witnesses, whose statements are yet to be recorded in any manner. In case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

Without commenting upon the merits of the case, it is directed

that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

February 24, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

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