

205-2

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

**CRM-M No.11588 of 2022 (O&M)
Date of Decision: 06.08.2022**

Balbir Singh

.....Petitioner.

Versus

State of Punjab

.....Respondent.

CORAM: *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Present:- Mr. M.D. Khan, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab
for the respondent-State.

Ms. Shikha Khullar Jaidka, Advocate, appearing for
Mr. J.S. Jaidka, Advocate for the complainant.

MEENAKSHI I. MEHTA, J. (Oral)

CRM No.15497 of 2022

This application has been moved on behalf of the applicant-
petitioner for seeking permission to place the copy of the final report under
Section 173 Cr.P.C dated 09.01.2022 on record, as Annexure P-15.

Notice in the application.

Learned State counsel accepts the notice and submits that he
has no objection in allowing the present application.

Keeping in view the above-said fact as well as the reasons as
mentioned in the instant application, the same is allowed and Annexure
P-15 is taken on the record, subject to all the just exceptions.

CRM-M No.11588 of 2022

The petitioner herein seeks the relief of regular bail in the

criminal case arisen out of the FIR bearing No.37 dated 18.02.2013 registered at Police Station Dhaka, District Ludhiana, under Sections 302, 201, 34 IPC.

Learned State counsel submits that he does not want to file any written-reply in the present petition.

I have heard learned counsel for the petitioner as well as learned State counsel (assisted by learned counsel appearing for the complainant) in this petition and have perused the file carefully.

Learned counsel for the petitioner contends that the co-accused of the petitioner, named Deepak Kumar, has already been acquitted in the present case vide judgment Annexure P-13 as passed by the trial Court on 04.10.2021 and moreover, the investigating agency has not been able to collect any cogent incriminating material against the petitioner so as to connect him with the alleged offence and thus, he has been falsely implicated in this case and therefore, he deserves the relief as prayed for in this petition.

Per contra, learned State counsel argues that keeping in view the gravity of the offence as committed by the petitioner, the present petition be dismissed.

Before advertng to the discussion on the contentions as raised by learned counsel for the petitioner, it would be relevant and necessary to point it out here that the afore-said FIR had been registered on 18.02.2013 while specifically naming the petitioner as an accused therein and he had been declared a proclaimed-offender in this case on 27.07.2013 vide order

Annexure P-4. A perusal of Annexure P-5 (Colly), i. e the copies of the orders passed by this Court in CRM-M-3479-2015 (O&M) as moved by the petitioner to challenge the order Annexure P-4, reveals that he had failed to surrender before the trial Court within the stipulated period, in pursuance of the order passed on 16.02.2015 therein and thereafter, the said petition had been dismissed as having been withdrawn and now, he is stated to have surrendered before the Illaqa Magistrate on 29.10.2021. The petitioner has not come forward with any fair, candid and plausible explanation for his above-said long absence of almost more than 8½ years.

So far as the contention regarding the acquittal of the afore-named co-accused of the petitioner vide the judgment Annexure P-13 is concerned, the same does not suffice at all to be a justifiable ground to extend the benefit of regular bail to him (petitioner) because the trial Court has recorded his (said co-accused's) acquittal after appreciating and evaluating the evidence as had been led on the record during the trial proceedings as conducted against him whereas the trial proceedings against the petitioner are yet to be concluded.

As regards the contention that the investigating agency did not find sufficient incriminating evidence against the petitioner to put him to the trial in the instant case, the same can and shall be looked into and adjudicated upon by the trial Court at the relevant stage after appreciating and evaluating the evidence that may be led on the record during the course of the trial and it cannot be ascertained at this stage while deciding this bail petition.

Keeping in view the above-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of regular bail.

Resultantly, the petition in hand stands dismissed.

August 06, 2022
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>