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

CRM-M-13683-2022

Date of Decision: 06.04.2022

Ram Ji @ Sonu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sanjeev Duggal, Advocate,
for the petitioner.

Mr. R.S. Thind, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

This is the second petition filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.79 dated 07.06.2009, under Sections 302 & 341 of the IPC to read with Sections 302, 304-B & 306 of the IPC, registered at Police Station Nurmahal, Jalandhar.

It has been submitted by learned counsel for the petitioner that it is a case where an FIR was lodged on 07.06.2009 on the basis of the statement made by the deceased before the learned Judicial Magistrate by alleging that her in-laws had poured oil and burnt her and thereafter the sister of the petitioner was arrested. He further submitted that the petitioner, who is the husband of the deceased stays abroad and he has also referred to the passport copies which he has attached in the present petition whereby

the petitioner had left India for Dubai on 22.12.2008 and he came back on 05.04.2011, as per the entries made in the passport whereas the alleged occurrence in the present incident took place on 07.06.2009 and the petitioner was not even present at the time of occurrence and he had gone abroad six months ago. He also submitted that a bare perusal of the FIR and the allegations would show that the allegations have been made against the in-laws and not against the petitioner and the allegations were that the petitioner wanted divorce from her and so far as the present incident is concerned, there is no specific role attributed to the petitioner. He further submitted that even otherwise also the other co-accused, who is the sister of the petitioner has since been acquitted by the learned trial Court and since at that point of time the petitioner was declared as a Proclaimed Offender because he was not residing in India and he was not even aware of the said petition. He also submitted that be that as it may, the petitioner was arrested and as of now he is not a Proclaimed Offender and he is facing the trial. He further submitted that during the trial, the mother of the deceased was examined and she has already turned hostile and has rather specifically stated that the petitioner was not involved in the present offence. He also submitted that even the acquittal of the sister of the petitioner was based upon the statement of the mother of the deceased complainant whereby she has turned hostile. He further submitted that now the petitioner is in custody since 12.01.2020 and the trial of the case will take long time and therefore, the petitioner may be considered for the grant of regular bail.

On the other hand, Mr. R.S. Thind, learned Deputy Advocate General, Punjab has submitted that it is correct that the petitioner is in

custody from 12.01.2020 but he also stated that the other co-accused, who is the sister of the petitioner has since been acquitted by the learned trial Court. However, he further submitted that since the petitioner was earlier declared a Proclaimed Offender, he does not deserve the concession of regular bail.

I have heard the learned counsel for the parties.

It is a case where as per the petitioner, he was not in India and as per the entries made in the passport, he had gone to Dubai six months before the occurrence and had come back after about two years and was not aware of the present case. Be that as it may, the petitioner was thereafter arrested and he is facing trial and he has already faced incarceration for about two years and three months. The mother of the deceased complainant has also been examined and has turned hostile. Therefore, the fact that the earlier the petitioner was declared as a Proclaimed Offender cannot become a bar for grant of bail to the petitioner. The trial of the case would take long time and therefore, considering the totality of the facts and circumstances of the case, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case with an added condition that the petitioner shall submit his passport before the learned trial Court and will not leave India without the permission of the trial Court.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the

purpose of decision of present petition.

06.04.2022

(JASGURPREET SINGH PURI)

JUDGE

Bhumika

1. Whether speaking/reasoned:

Yes
2. Whether reportable:

Yes/No