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

**CRM-M-17925-2022
Date of Decision: 23.08.2022**

Rajveer Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. A.S. Brar, Advocate,
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.66 dated 13.06.2018, under Sections 452, 324, 323, 148, & 149 IPC (Section 326 IPC added later on and Section 452 IPC substituted with Section 450 IPC later on), registered at Police Station Sadar Faridkot, District Faridkot.

It has been submitted by learned counsel for the petitioner that it is a case where the petitioner has been falsely implicated in the present case and the allegations are that he along with the co-accused collectively gave injuries to the complainant whereas in fact the petitioner was in Bangalore and due to which, he did not have the knowledge of the lodging of the FIR and consequently, he was declared P.O. on 31.01.2019, in the

meantime, challan was presented against the other co-accused and the petitioner was arrested on 09.11.2021 and from that day onwards, he is in custody and he has faced incarceration for about 9 months. He also submitted that the mere fact that the petitioner was earlier declared as proclaimed offender but thereafter, he was arrested would not disentitle him for grant of regular bail in view of the fact that he is working in Bangalore and he had no knowledge about the lodging of the FIR, since he was not even present at the spot and it is yet to be determined at the time of trial with regard to the role of the petitioner. The petitioner has already faced incarceration for about 9 months, therefore, he may be considered for the grant of regular bail since no recovery is to be effected from him.

On the other hand, Mr. Kunal Vinayak, learned AAG, Punjab has stated that it is correct that the petitioner is in custody since 09.11.2021. He further submitted that the petitioner was earlier declared as proclaimed offender and there is a likelihood that the petitioner may abscond in case he is granted regular bail.

I have heard the learned counsel for the parties.

The petitioner is stated to be in custody since 09.11.2021 and the investigation of the case has already been completed and now the case is fixed for prosecution evidence. On a query being raised to the learned State counsel that is there any material available for making any apprehension that in case the petitioner is released on bail then he may again abscond, the learned State counsel was not able to answer the same. On the other hand, it is a case of learned counsel for the petitioner that at the time of the alleged occurrence the petitioner was not even present and he was working at

Bangalore and was not aware of the lodging of the FIR against him and he was wrongly declared as proclaimed offender but thereafter he has been arrested could not become a ground for denial of bail to the petitioner unless there are other circumstances to show that in case the petitioner is released on bail then he may abscond. Be that as it may, the petitioner has already faced incarceration for about 9 months and no recovery is to be effected from him. The trial of the case may take long time. Therefore, considering the aforesaid 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.

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.

23.08.2022*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |