

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(209)

CRM-M-32687-2022
Date of Decision: 09.09.2022

Vijay Kumar

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Amandeep Chhabra, Advocate for the petitioner.

Mr. Karunesh Kaushal, A.A.G., Punjab.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case FIR No.107 dated 21.7.2003 under sections 406, 498A and 506 IPC registered at Police Station, City Malout, District Sri Muktsar Sahib.

As per factual matrix, the FIR in question was lodged by the brother of Meena Rani, who was married with Vijay Kumar i.e. the present petitioner. It was alleged that after the marriage petitioner started harassing his sister Meena Rani for demand of dowry. He submits that time and again petitioner used to ask for money. Complainant tried to satisfy his demand of money in order to save the matrimonial life of his sister, however, the petitioner did not mend his ways. He used to beat his sister time and again and despite repeated interventions by them there was no change in the behaviour of the petitioner and having no alternative a complaint was made to lodge the present FIR.

The investigation commenced and the petitioner was initially arrested on 10.8.2003. Later on he was released on bail, however, as he remained absent, he was declared Proclaimed Offender. Thereafter again he was granted bail and was again declared Proclaimed Offender and finally after remaining as Proclaimed Offender for about 11 years, he was arrested on 6.2.2022. He approached the court of Addl. Sessions Judge, Sri Muktsar Sahib for grant of bail, however, after hearing the parties, the same was declined vide order dated 7.5.2022. Aggrieved by the same petitioner has approached this court for grant of bail.

Learned counsel for the petitioner submits that petitioner is 65 years of age. He candidly submits that petitioner was granted bail on earlier occasion, however, he remained Proclaimed Offender and on account of the same he is behind bars. Counsel submits that the dispute in question is matrimonial and hence the petitioner is not facing charges for any heinous offence. He submits that now after his arrest petitioner is behind bars since 7.5.2022 and some of the witnesses have already been examined by the Trial Court. Counsel submits that petitioner would abide by the terms and conditions, if, petitioner is granted bail. Counsel submits that keeping in view the old age of the petitioner, he may be granted the benefit of bail.

On the other hand, learned State counsel on instructions from ASI Ploos Singh submits that there are specific allegations against the petitioner. He submits that though the dispute arisen out of the matrimonial discord, however, the conduct of the petitioner shows that time and again he remained absent after having been granted bail. It is submitted that petitioner was declared Proclaimed Offender by the court and he remained

as such for about 11 years and it is because of his conduct that the trial is pending till date. He submits that investigation in the case is complete and the challan already stands presented. In all there are 13 prosecution witnesses out of which 2 have been examined. He further submits that as per information provided to him petitioner is not involved in any other case.

I have heard learned counsel for the parties at length and have gone through the record carefully.

Admittedly, dispute in question arose out of the matrimonial discord. Petitioner, who is husband of the sister of the complainant is 65 years of age. Though he was declared Proclaimed Offender on earlier occasions, however, he is behind bars since 7.5.2022. The material witnesses including the prosecutrix and complainant already stand examined before the learned Trial Court and hence the possibility of the petitioner influencing them is no more. There is nothing on record to show that petitioner has any criminal antecedents. The veracity of the allegations levelled against the petitioner would be assessed by the Trial Court only upon conclusion of the trial. This court would refrain itself from commenting on the merits of the case, as the allegations and counter allegations would be assessed only after evaluation of the complete evidence to be led by both the sides before the Trial Court. The trial would take sufficiently long time in its conclusion.

In the totality of facts and circumstances and without making any observation on merits, present petition is allowed. Petitioner be enlarged on bail on his furnishing bail/surety bonds subject to the

satisfaction of Trial Court/Duty Magistrate, concerned. Trial Court/Duty Magistrate is directed to release the petitioner on his furnishing two sureties. Nothing stated herein shall be treated as an expression on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

09.09.2022

lucky

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No