

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

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**CRM-M-37441-2021 (O &M)
Date of decision: 03.03.2022**

SOHAN LAL

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Ruhani Chadha, Advocate
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab
for the respondent.

SANT PARKASH, J. (ORAL)

The case has been taken up for hearing through video conferencing.

CRM-29024-2021

For the reasons mentioned in the application, the same is allowed and the petitioner is exempted from filing original Vakalatnama. However, the original Vakalatnama be filed in the Registry in due course.

CRM-M-37441-2021

Prayer in this petition under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner, in case, FIR No. 146 dated 31.12.2008 (Annexure P-1) registered under Sections 341, 323, 324, 148 and 149 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Bhogpur, District Jalandhar to which Section 326 of the IPC was added later on.

The present FIR was lodged on statement of injured Jatinder Singh who alleged that on 26.12.2008 at about 2.00 P.M., he along with his friend riding on a motorcycle were going from Kishangarh to Tanda to meet some relatives then the accused persons on a Safari Car armed with deadly weapons intercepted them. The accused persons in connivance with each other inflicted injuries upon the complainant. The motive behind the present occurrence was that earlier also the petitioner had fight with the accused persons and then the matter was sorted out with the intervention of the respectables.

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. Co-accused Ravneet Singh and Pardeep in the present FIR have already been acquitted by the learned trial Court vide order dated 16.07.2014. The petitioner during the course of trial went abroad without taking prior permission as he was under the impression that the matter has been amicably sorted out between the parties. The petitioner was declared proclaimed offender by the learned trial Court vide order dated 22.02.2012. When the petitioner came to know about the said fact, he immediately surrendered before the learned trial Court on 24.03.2021. The only role attributed to the petitioner was that he was armed with *dang* and no injury as mentioned in the FIR which has been declared grievous is attributed to the petitioner. Nothing is to be recovered from the petitioner. No useful purpose will be served by keeping the

petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel opposed the submissions of learned Counsel for the petitioner and has submitted that the petitioner absented himself from the court proceedings. Therefore, the petition for grant of regular bail may be dismissed.

Learned Counsel for the petitioner has relied upon judgment passed by Co-ordinate Bench of this Court passed in case **CRM-M-10345-2021** titled as '**Heera Singh Vs. State of Punjab**' decided on 10.03.2021 whereby the petitioner who remained proclaimed offender for about 20 years was granted regular bail on parity with his co-accused, who was acquitted of the charges.

Having considered the facts and circumstances of the case, no grievous injury is attributed to the petitioner, parity of the petitioner with his co-accused Ravneet Singh and Pardeep who have already been acquitted by the learned trial Court, period of custody and the fact that the trial is likely to take long time but without expressing any opinion on the merits of case, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

03.03.2022
kavneet singh

(SANT PARKASH)
JUDGE

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