

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

CRM-M-47841-2021 (O&M)

Date of Decision: 20.12.2022

Amarjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Naveen Batra, Advocate, for the petitioner.

Mr. Siddharth Attri, AAG, Punjab,
assisted by ASI Joginder Pal.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.34 dated 29.04.2012 at Police Station Sadar Nawanshahr, District SBS Nagar, under Sections 323/324/326/342/34 IPC, wherein it has been alleged that the petitioner alongwith co-accused had inflicted injuries to Darshan Singh and Smt. Taro. The petitioner is specifically named in the FIR and is attributed an injury on the right wrist of Smt. Taro.
2. The FIR in question came to be lodged on 29.04.2012. The petitioner was released on bail on the same very day, as the offences initially mentioned in the FIR were bailable offences.
3. Subsequently, offence under Section 326 IPC came to be added vide DDR No.13 dated 08.05.2012. It is around at that time the petitioner left

the Country for Saudi Arabia and was declared a proclaimed offender vide order dated 26.11.2012 (Annexure P-3). Thereafter, the petitioner surrendered before the trial Court on 22.09.2021 pursuant to order dated 14.09.2021 (Annexure P-6) passed by this Court in CRM-M-23326-2021 and has been in custody till date.

4. Learned counsel for the petitioner has submitted that the petitioner was the only earning hand in the family and was under a wrong impression that upon getting bail, he could go abroad and that he was never aware about the addition of offence under Section 326 IPC. It has further been submitted that co-accused, who were tried by the Court of Judicial Magistrate Ist Class, have been convicted and sentenced to undergo rigorous imprisonment for a period of 1 year and in respect of which appeal is pending before the Court of Additional Sessions Judge. It has further been submitted that since the petitioner as of now has been behind bars since the last more than 1 year & 2 months and is otherwise not involved in any other case, he deserves the concession of bail.
5. Opposing the petition, learned State counsel has submitted that since the petitioner remained a proclaimed offender for a good 9 years, no leniency can be shown to him and that there is every possibility that the petitioner, in case granted bail, will again flee from justice.
6. This Court has considered rival submissions.
7. It is no doubt correct that the petitioner had been declared a proclaimed offender and remained absconding for a good 9 years. However, having regard to the nature of offences, wherein the co-accused have been sentenced to undergo rigorous imprisonment for a period of 1 year only

and while also noticing that the petitioner otherwise has a clean record and has been behind bars since the last more than 1 year & 2 months, this Court is of the opinion that the aforesaid period of custody shall furnish sufficient deterrent to the petitioner to be more careful in future. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

20.12.2022

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**(GURVINDER SINGH GILL)
JUDGE**

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