

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45068 of 2022 (O&M)

Date of Decision: 10.10.2022

Malkit Singh @ Fauji

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Dhawaljeet Dutta, Advocate,
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab

JASGURPREET SINGH PURI, J. (ORAL)

CRM-37000 of 2022

For the reasons mentioned in the application, the same is allowed,
subject to all just exceptions.

Main case

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.111 dated 31.05.2013, under Sections 392, 307, 34 IPC and Section 25,54,59 of the Arms Act, registered at Police Station Beas Amritsar, District Amritsar.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 08.04.2022 and the investigation of the case has already been completed and thereafter challan has been presented to the competent Court and therefore the petitioner may be considered for the grant of regular bail.

On the other hand, Mr. Kunal Vinayak, learned AAG, Punjab has

stated that in the present case the challan was presented on 12.03.2015 against the petitioner and he absented himself from the Court and he was declared as a proclaimed offender and thereafter he remained absconded for more than 4 years and was arrested on 08.04.2022. He submitted that for more than 4 years he remained as a proclaimed offender and he has misused the concession of bail and has intentionally absented himself from the proceedings of the case and there is every likelihood that in case the petitioner is granted bail then he may again abscond and he has vehemently opposed the grant of regular bail to the petitioner.

I have heard the learned counsel for the parties.

The petitioner earlier absented himself from the proceedings of the Court and was declared as a proclaimed offender and it was only after a gap of about 4½ years that the petitioner was arrested in some other case and he is now in custody from 08.04.2022. The apprehension expressed by the learned State counsel that in view of the aforesaid position, in case the petitioner is released on bail then he may again abscond, cannot be ignored and does carry weight.

In view of the aforesaid facts and circumstances, this Court does not find any merit in the present petition consequently the present petition for grant of regular bail is hereby dismissed.

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.

October 10, 2022
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No