

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-50338-2021 (O&M)
Date of decision: 10.01.2022

Harvir Singh @ Kaka

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. G.S. Ghuman, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.13 dated 14.01.2008 under Sections 307, 326, 324, 148, 149 IPC, registered at Police Station Sadar Phagwara, District Kapurthala.

Learned counsel for the petitioner submits that the FIR was registered in the year 2008 and on obtaining the visa of Australia on 29.10.2008, he travelled abroad and thereafter, he was declared a proclaimed offender on 30.10.2009. In the meantime, two of his co-accused namely Gurkirpal Singh @ Pal and Harjit Singh @ Kala faced the full length trial and they were acquitted of the charge vide judgment dated 01.10.2010 passed by the Sessions Judge, Kapurthala. It is further submitted that the petitioner, on

coming back to India, filed CRM-M-42838-2021, challenging the order dated 30.10.2009, declaring him proclaimed offender and vide order dated 15.11.2021, the petitioner was directed to surrender before the trial Court and the trial Court was directed to decide his regular bail application expeditiously. Thereafter, the petitioner surrendered before the trial Court, however, bail application has been declined, as he substantially remained absent from the Court proceedings for a period of about 10 years, which resulted in loss to the State Exchequer, therefore, he has to face the fresh trial.

Learned counsel further submits that the petitioner had gone abroad looking for his better future avenues and now he is ready to face the trial and to show his bonafide, the petitioner will deposit the costs of Rs.1.00 lac with the Punjab and High Court Lawyers Welfare Fund for delaying the trial.

Learned State counsel has not disputed the factual position, however, it is submitted that the petitioner remained proclaimed offender for a period of about 10 years and he has unnecessarily delayed the trial. Learned State counsel also did not dispute that two co-accused of the petitioner were acquitted.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that the petitioner has now surrendered before the trial Court and is ready to face the trial; his two co-accused had already been acquitted of the charge and there are bleak chances of any improvement in the prosecution evidence, which is to be led against the petitioner and also in view of the fact that the petitioner has volunteered to deposit the costs of Rs.1.00 lac, this petition is allowed and the petitioner is

directed to be released on regular bail subject to furnishing his bail/surety bonds and also furnishing a receipt regarding deposit of costs of Rs.1.00 lac with the Punjab and Haryana High Court Lawyers Welfare Fund, to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

10.01.2022
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No