

CRM-M-6981 of 2023

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

CRM-M-6981 of 2023
Date of decision: 14.02.2023

Jagdish Raj

.....Petitioner

Versus

State of U.T. Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Rohiteshwar Singh, Advocate,
for the petitioner.

Mr. Charanjit Singh Bakshi, APP, U.T., Chandigarh.

NAMIT KUMAR, J. (ORAL)

Instant second petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.290 dated 21.09.2006 under Sections 420, 473, 120-B IPC read with Section 61 of the Excise Act, 1914, registered at Police Station Sector 26, Chandigarh.

Present FIR was registered on the complaint of SI Pritam Singh, when he apprehended one truck with fake number plate No.PB04F9009, driven by petitioner-Jagdish Raj and recovered boxes of liquor from his possession. After completion of the investigation of the case, challan was presented against the petitioner in the Court. During trial, petitioner jumped bail and was ultimately declared a proclaimed person by the trial Court on 09.07.2009. Petitioner has thereafter been re-arrested on 18.06.2022.

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Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. He is in custody since 18.06.2022. He further submits that petitioner is ready and willing to appear before the Court on each and every date. Therefore, he may be granted the concession of regular bail.

Per contra, learned counsel for the respondent-UT Chandigarh, has opposed the prayer for grant of regular bail to the petitioner stating that petitioner has evaded the process of Court for about 13 years, thus, he was declared proclaimed offender and was finally arrested on 18.06.2022.

I have heard learned counsel for the parties and perused the record.

Petitioner was arrested in the aforesaid case on 21.09.2006 and was released on regular bail by the trial Court. However, petitioner failed to appear before the trial Court and was declared proclaimed offender on 09.07.2009. He intentionally and deliberately evaded the process of law for a long period and was finally arrested after 13 years on 18.06.2022. Thereafter, he moved bail application before trial Court which was rejected on 14.07.2022 by observing that the petitioner has intentionally absconded from the process of law earlier. Then he moved regular bail application before learned Additional Sessions Judge, Chandigarh, which was also dismissed keeping in view the conduct of the petitioner. Thereafter, a petition bearing CRM-M-38495-2022 seeking regular bail, was filed by the petitioner before this Court and

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during the pendency of this petition, another bail application was moved by the petitioner before the trial Court which was also dismissed on 20.12.2022 (Annexure P-5). CRM-49302-2022 was moved by the petitioner for withdrawal of CRM-M-38495-2022, which was dismissed as withdrawn on 22.12.2022. Thereafter, 4th bail application was moved by the petitioner before the trial Court, which was dismissed on 30.12.2022 by observing that there is no change of circumstance proved by the petitioner. Hence, his application was dismissed. Thereafter, his another bail application was dismissed by learned Additional Sessions Judge, Chandigarh vide order dated 23.01.2023 (Annexure P-8).

Keeping in view the peculiar facts and circumstances of the case and conduct of the petitioner that if he is released on regular bail, there are chances that he might abscond again, he does not deserve the concession of regular bail.

Hence, the present petition being devoid of any merit is hereby dismissed.

In the present case, trial is pending since 2006. Therefore, trial Court is directed to make an endeavour to conclude the trial expeditiously.

14.02.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No