

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-8043-2023

DATE OF DECISION: FEBRUARY 20, 2023

KULDIP SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA.

PRESENT: MR. SUNIL AGNIHOTRI, ADVOCATE FOR THE PETITIONER.
MR. MOHIT KAPOOR, ADDL.A.G., PUNJAB.

DEEPAK MANCHANDA, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.23 dated 23.2.1997, under Section 364/324/323/34 IPC, Police Station Tanda, District Hoshiapur.

Learned counsel for the petitioner has argued that the present FIR has been registered against the petitioner alongwith his three other co-accused, namely, Manjit Singh, Harjit Singh and Sukjit Singh. In the said trial, the prosecution witnesses did not support the case of the prosecution and finally, the accused were acquitted of the charges framed against them. Learned counsel submits that however, in the said trial proceedings, the petitioner was never served and was declared P.O. vide order dated 6.7.1997, he challenged the same before this Court and vide order dated 9.1.2023, this Court directed him to surrender before the trial Court and on his doing so and moving an application for bail, the same be considered and decided.

Learned counsel contends that in compliance of the said order, the petitioner surrendered before the trial Court on 7.2.2023 and moved an application for bail, however, the same was dismissed. He further contends

that since the co-accused of the petitioner have already been acquitted of the charges, therefore, no useful purpose would be served in keeping the petitioner behind bars. He prays that the petitioner be released on regular bail, who is ready to face trial.

Learned State counsel has filed the custody certificate of the petitioner which shows that the petitioner is behind bars since 7.2.2023 and has not disputed that the co-accused of the petitioner were acquitted of all the charges framed against them, but opposes the bail on the ground that since the petitioner is an NRI, who was declared as P.O. vide order dated 6.7.1997 and filed this petition only on 10.2.2023, may flee from the country after getting concession from this Court.

Considering the above background, the fact that in compliance of the order dated 9.1.2023, the petitioner surrendered before the trial Court and that however, the co-accused of the petitioner have already been acquitted of the charges against them, further detention of the petitioner may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned and on submission of his valid Passport.

The petition is allowed.

February 20, 2023
Gulati

(DEEPAK MANCHANDA)
JUDGE

Whether Reportable : Yes/No
Whether Speaking/Reasoned : Yes/No