

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

CRM-M-9848-2023

Decided on:-27.04.2023

Gurvinder Singh @ Ginni

....Petitioner..

vs.

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Parvinder Singh, Advocate for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA J.

By way of present petition filed under Section 439 Cr.P.C, prayer has been made for grant of regular bail pending trial in case FIR No.112 dated 01.08.2009, under Sections 307, 379, 411, 34 IPC and Sections 420, 472 IPC (added later on), registered at Police Station Chheharta, Amritsar.

2. Learned counsel for the petitioner submits that having been implicated in the aforementioned FIR, the petitioner was granted regular bail vide order dated 10.10.2009, however, later, he was declared as proclaimed offender vide order dated 07.02.2012. He further submits that post his conviction on 19.08.2021 in some NDPS case, he was produced on production warrants before the trial court and since then, is behind the bars. He also submits that his other co-accused already stands acquitted for offence under Section 307 IPC, though, convicted under Sections 411 and 472 IPC.

3. On the other hand, learned State counsel submits that there are

total 13 cases registered against the petitioner, out of which, 8 are pending trial, however, the petitioner is on bail in all the pending trial, followed by suspension of sentence in case, wherein, he has been convicted.

4. I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made on behalf of the petitioner.

5. Though, the petitioner was declared as proclaimed offender on 07.02.2012, however, post his conviction in other FIR, vide judgment dated 19.08.2021, he was produced on production warrants before the trial court and since then he is in custody, having suffered incarceration for more than 01 year and 8 months by now, besides it, only 01 witness has been examined out of total of 16 as cited by the prosecution, thus, I do not find any justification to extend his incarceration, any further. As regards his involvement in other cases, reliance can be placed on the judgments of Hon'ble Supreme Court in ***“Prabhakar Tewari vs. State of U.P. and another”***, 2020(11) SCC 648 and ***“Maulana Mohd. Amir Rashadi vs. State of U.P. and another”*** reported as 2012(2) SCC 382.

6. In view of the above, without expressing any opinion on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail bonds and surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

27.04.2023

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No