

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

217

CRM-M-10972-2023 (O&M)  
Date of decision: 19.07.2023

Pankaj

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG Punjab.

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**HARNARESH SINGH GILL, J. (ORAL)**

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 103 dated 29.06.2016 registered under Sections 323, 324, 427, 451, 148, 149, 506, 201 IPC and later on added Section 307 IPC at Police Station Sadar Amritsar, District Amritsar.

Learned counsel for the petitioner submits that the petitioner was arrested on 08.10.2017 and he was granted regular bail vide order dated 28.10.2017 by the learned trial Court; that the petitioner was regularly appearing before the learned trial Court; that thereafter, the mother of the petitioner passed away and because of Covid-19 Pandemic situation, he could not appear before the learned trial Court on 17.01.2020; that the petitioner was declared a proclaimed offender on 07.11.2022 and he was arrested on 21.11.2022 and since then he has been in custody i.e. total 08 months and 22 days; that *datar* blow on the head of the complainant has been attributed to the petitioner and that there is no other case pending or registered against the petitioner .

Learned State counsel, while vehemently opposing the prayer for bail, submits that though the petitioner was granted regular bail by the learned trial Court, yet he remained absented from the Court and was declared a proclaimed offender on 07.11.2022 and he was arrested on 21.11.2022. However, he does not dispute the custody period of the petitioner and that there is no other case against the petitioner. He submits that out of 22 prosecution witnesses, none has been examined so far.

I have heard the learned counsel for the parties.

The petitioner has been in custody for a total period for 08 months and 22 days. The petitioner had been regularly appearing before the Court, but he could not appear on a solitary date i.e. 17.01.2020, due to unavoidable circumstances and therefore, his non-appearance on the said date was unintentional. The prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Moreover, there is no other case against the petitioner. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)  
JUDGE

19.07.2023  
Mangal Singh

|                            |        |
|----------------------------|--------|
| Whether reasoned/speaking? | Yes/No |
| Whether reportable?        | Yes/No |