

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-19655-2023

Date of Decision : 21.04.2023

Harpal Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present : Mr. Narinder Kumar Vadehra, Advocate for the petitioner.

ASHOK KUMAR VERMA, J. (ORAL)

1. The petitioner has filed the present petition under Section 438 Cr.P.C. read with Section 482 of the Cr.P.C. for grant of anticipatory bail in cross case DDR No.32 dated 24.07.2016 registered under Sections 323, 324, 148, 149 of the IPC (Section 326 of the IPC was added later on) at Police Station Qadian, District Batala, in case FIR No.35 dated 21.07.2016 under Sections 323, 324, 506, 148, 149 of the IPC, registered at Police Station, Qadian, District Batala.

2. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present FIR. The complainant has coined a story with malafide intention to rope in political opponents in false criminal cases to settle his political agenda in the village. The only role attributed to the petitioner is that he had given reverse gandasi blow which had hit on the non-vital part of left wrist of the complainant. The petitioner had left for UAE on 16.10.2016. Thereafter he did not return back to India. The petitioner

never received any summons from the police to join the investigation or

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any intimation regarding his involvement in any criminal case. Now the petitioner has come to know that he has been declared proclaimed offender on 26.04.2022. To substantiate this, the petitioner has placed on record copy of the passport showing his arrival(s) and departure(s) as Annexure P-5.

3. Learned counsel further submits that the offences are triable by Judicial Magistrate 1st Class. He also submits that during the investigation, the cross case was earlier cancelled but after enquiry it was again investigated and challan was presented, but during all these years, the petitioner had no knowledge. Similarly placed co-accused Satnam Singh has already been given opportunity to surrender before the trial Court with direction to the trial Court to release him on bail vide order dated 21.11.2022 passed by this Court in CRM-M-53812-2022.

4. Notice of motion restricted to respondent No.1-State only.

5. On the asking of the Court, Mr. Jaspal Singh Guru, Asstt. A.G., Punjab accepts notice on behalf of the State of Punjab.

6. Learned counsel for the State vehemently opposes the grant of anticipatory bail to the petitioner on the ground that he has been declared a proclaimed offender.

7. I have heard learned counsel for the parties and gone through the paper-book.

8. Admittedly, the absence of the petitioner appears to be non-intentional as no summons etc. have been received by the petitioner

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since the petitioner was in abroad which fact is substantiated from the copy of the passport placed on record as Annexure P-5. If an accused shows his sincere intention and desire to join the criminal proceedings then it would be justified to protect him from being arrested.

9. Keeping in view the above fact, the petitioner is directed to surrender before the trial Court within 10 days from today. On his doing so, the petitioner shall be released on bail, subject to his furnishing the fresh bail/surety bonds to the satisfaction of the trial Court and subject to payment of costs of Rs.25,000/- to be deposited with the High Court Legal Services Committee, Punjab and Haryana High Court, Chandigarh and in case of failure to do so, the bail application shall be deemed to have been dismissed.

10. Disposed of.

(ASHOK KUMAR VERMA)
JUDGE

21.04.2023
Kothiyal

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No