

CRM-M-22240-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-22240-2023 (O & M)****Date of decision: 25.07.2023**

Gurpreet Singh alias Gopi

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Pushp Jain, Advocate,
for the petitioner.

Ms. Ramta K. Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.40 dated 10.04.2019 under Sections 323, 324, 341, 506, 34 IPC registered at Police Station Bhikhi, District Mansa.

2. The brief facts of the case are that one Kuldeep Singh got recorded his statement to the effect that he was an agriculturist. Babbu, a friend of his brother Kala had come to his house and told him that there was a dispute regarding the elections for the post of Presidentship of the National College at Bhikhi and some of the posters had been torn by another group of Gopi Hodla, Gopi Mehar Singh Wala and Gaggi @ Gainda. He also stated that threats had been issued by the opposite side to Babbu. Thereafter, while he was going towards the College, Gopi Hodla armed with iron rod, Gopi Mehar Singh Wala and Gaggi alias Gainda armed with iron rod saw him.

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Gopi Hodla raised a *lalkara*. Meanwhile, Gopi Mehar Singh Wala gave him iron rod blow hitting him on his right shoulder. Then, Gaggi alias Gaina gave an iron rod blow on his shin. He (complainant) raised an alarm. Thereafter, Gopi Hodla gave him an iron rod blow on his left knee and calf joint. Thereafter, he was given more beatings. Meanwhile, the College staff came to the spot and on seeing them, the accused fled away from the spot.

3. The learned counsel for the petitioner contends that the petitioner had been granted bail as the offences were bailable vide order dated 23.09.2019. He had been regularly appearing before the Trial Court. However, in May 2022, he had gone to Uttar Pradesh for harvesting his crop and could not come back to appear before the Trial Court. Subsequently, he was declared a proclaimed offender on 03.01.2023 but was arrested on 03.02.2023 after which he is continuing in custody. As he was a first-time offender and none of the 13 prosecution witnesses had been examined so far, he was entitled to the grant of bail.

4. The learned counsel for the State while referring to the short reply dated 22.07.2023, on the other hand, contends that the petitioner had absconded for as many as 08 months and during the said period he had been declared a proclaimed offender. Therefore, he was not entitled to the concession of bail. She, however, concedes that now, the petitioner has been in custody since 03.02.2023, none of the 13 prosecution witnesses had been examined so far and that the petitioner is a first-time offender.

5. I have heard the learned counsel for the parties.

6. Admittedly, the petitioner had been granted bail at an earlier stage. He had appeared before the Trial Court but remained absent for

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continuing in custody since 03.02.2023. Keeping in view the period of incarceration spent by the petitioner as also the stage of the trial, no useful purpose would be served by keeping him incarcerated.

7. In view of the above, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Gurpreet Singh @ Gopi, is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. The petitioner shall appear on the first Monday of every month before the police station concerned till the conclusion of the trial and furnish an affidavit each time that he is not involved in any case/crime other than the present one.

10. In addition, the petitioner (or someone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

(JASJIT SINGH BEDI)
JUDGE

July 25, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No