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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26697-2023

Date of decision:29.05.2023

Harpal Singh @ Bhola

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. G.K. Mann, Sr. Advocate with
Mr. Gursewak Singh, Advocate for the petitioner(s).

Mr. Harsimar Singh Sitta, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
16	26.03.2009	Fatehgarh Churian, District Batala	302, 307, 382, 427, 120-B, 148, 149 IPC and 27/27 of Arms Act, 1959

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 439 CrPC seeking permission to surrender and grant of interim bail, in the light of judgment of Supreme Court in **Sundeep Kumar Bafna v. State Maharashtra, AIR 2014 SC 1745**.

2. The accused could not be served through the ordinary process, including summons, bailable warrants, and even non-bailable warrants. The concerned court finally proceeded against the petitioner under section 82 of CrPC and declared the petitioner a proclaimed offender.

3. Counsel for the petitioner submits that the State had absolved the petitioner during investigation and the prosecution agencies did not consider it appropriate to arraign the petitioner as an accused. Thus, a view favouring the petitioner exists, and on this ground alone, the petitioner is entitled to bail. Even the co-accused has already been acquitted.

4. The petitioner’s counsel contends that the non-appearance was unintentional, without any endeavor to delay the trial, and due to factors beyond the petitioner’s control.

5. The nature of order this court proposes to pass, no response is required from the

respondent.

6. The primary object of service is to secure the accused's presence in trial. The petitioner has approached this court on its own, establishing the bonafide at this stage. Without commenting on the case's merits, and in the facts and circumstances peculiar to this case, and also for the reasons mentioned above, the ends of justice would meet. This court deems it appropriate to grant the following limited relief to the petitioners, subject to compliance with the conditions mentioned in this order.

7. **The petitioner is directed to surrender before the concerned court on or before 09.06.2023. On appearance, the concerned court shall decide the bail petition, if filed in accordance with law.**

8. The order vide which the petitioner was declared a proclaimed offender, all warrants, and all consequent proceedings in the above mentioned FIR shall remain stayed qua the petitioner, till 09.06.2023 or till the date of surrender whichever is earlier. It is clarified that if the petitioner fails to appear before the concerned court, then this order shall stand recalled automatically under section 362, read with 482 CrPC, without any further reference to this court.

9. This order is subject to the condition that the petitioner shall deposit a sum of Rs. 10,000/- by the above-mentioned date, in the following account and hand over its receipt to the trial court.

"AJIT SINGH POLICE WELFARE FUND"

ACCOUNT NO. 12171450000081,

HDFC BANK, SCO 3, SECTOR 15-C, CHANDIGARH- 160015,

RTGS/NEFT IFSC: HDFC0001217

10. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

11. *There would be no need for a certified copy of this order, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.*

Petition for interim bail stands allowed in aforesaid terms. All pending applications, if any, stand disposed.

Trial be expedited.

(ANOOP CHITKARA)
JUDGE

29.05.2023
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Whether speaking/reasoned:	Yes
Whether reportable:	No.