

2023:PHHC:092607

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

CRM-M-34077-2023

Date of decision : 21.07.2023

Harpal Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Vikas Bali, Advocate
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

PANKAJ JAIN, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.31 dated 28.02.2015, registered for offences under Sections 307, 452, 506, 148 and 149 of IPC (Sections 436 and 511 of IPC added later on) and Sections 25, 54 & 59 of Arms Act, registered at Police Station 'B' Division, District Amritsar.

2. The prosecution was launched on the statement made by one Amandeep Singh @ Happy. Petitioner was named in the supplementary statement. Report under Section 173 Cr.P.C. was filed against Amritpal Singh @ Jimmy only as the petitioner was alleged to have absconded. Petitioner was declared as 'proclaimed offender' vide order dated 15.11.2019 (Annexure P-3).

3. Petitioner approached this Court by way of CRM-M-25597-2023 challenging the aforesaid order and also by way of CRM-

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M-25584-2023 with a prayer for pre-arrest bail. The same was disposed off vide order dated 19.06.2023 observing as under:-

“xx xx xx

2 In **CRM-M No.25584 of 2023** prayer is for grant of pre-arrest bail in FIR No.31 dated 28.02.2015, registered under Sections 307/452/506/148/149 IPC and Sections 25/54/59 of the Arms Act at Police Station 'B' Division, District Amritsar wherein Sections 436/511 IPC were added later on.

3 In the other petition i.e. **CRM-M No.25597 of 2023** prayer is for quashing of the order dated 15.11.2019 (Annexure P-3) whereby the petitioner has been declared as proclaimed offender in the aforesaid FIR.

4 Counsel for the petitioner has produced copies of the zimni orders to submit that in fact there was no material before the trial Court to record the satisfaction that the petitioner was evading process of law that too when a statement was suffered by the police authorities that the petitioner is not traceable and thus all the proceedings leading to his declaration as proclaimed offender cannot be sustained. He submits that without going into the merits of the orders passed, the petitioner is ready to appear before the trial Court/Duty Magistrate.

5 In view of above, present petitions are disposed off with a direction to the petitioner to surrender before the trial Court/Duty Magistrate within a week from the date of receipt of certified copy of this order.

6 On his doing so, the concerned Court shall consider the application of the petitioner seeking bail, if so moved expeditiously.

7 Photocopy of this order be placed in the connected file.”

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4. Petitioner earlier approached trial Court, but his prayer for admission on bail stands declined vide order dated 11.07.2022 (Annexure P-11).
5. Counsel for the petitioner submits that only allegation qua the petitioner is that he carried a canny of petrol with an intent to set complainants’ shop on fire and there is no allegation qua Section 307 IPC.
6. Learned State counsel is not in a position to dispute the fact that the allegation against the petitioner only relates to intention of setting on fire the shop of the complainant.
7. In view of above, present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
8. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

21.07.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No