

217

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37815-2022
Date of decision: 23.11.2023

SATNAM SINGH @ SATTA

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Rajesh Kapila, Advocate
for the petitioner and
Mr. Sumeet Puri, Legal Aid Counsel
for the petitioner (through video conferencing).

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.68 dated 11.05.2006, under Sections 302, 307, 323, 324, 148 and 149 of the IPC, registered at Police Station Dinanagar, District Gurdaspur, Punjab.

2. Learned counsel for the petitioner submitted that the petitioner is in custody for more than 3 years and 1 month and only 4 prosecution witnesses out of total 26 cited prosecution witnesses have been examined till date and considering the custody of the petitioner, he may be considered for the grant of regular bail particularly in view of the fact that the petitioner is a person of the age of 60 years. He further submitted that although some of the other co-accused have already been convicted and the petitioner was earlier declared

a proclaimed offender but now he has already undergone more than 3 years and 1 month and therefore, he may be considered for the grant of regular bail even if earlier he was declared a proclaimed offender.

3. On the other hand, Mr. Gurdarshan Singh Sidhu, AAG, Punjab has opposed the grant of regular bail to the petitioner on the ground that it is a case where the petitioner had run away from the custody of the police on 08.09.2008 and thereafter, he was summoned through non-bailable warrants. He submitted that the petitioner did not appear before the learned trial Court and consequently, he was declared a proclaimed offender vide order dated 07.02.2009 and thereafter, he was arrested by the police on 14.10.2020 and in this way, for more than 12 years, he was absconding and also remained a proclaimed offender for more than 11 years. He further submitted that there is a direct role attributed to the petitioner in the present case inasmuch as he has given sword blow on the head of the deceased, namely, Ajit Singh. He also submitted that the petitioner is involved in two more cases in which he has been convicted. He further submitted that since the petitioner was declared a proclaimed offender, the trial had commenced with regard to the other co-accused which culminated into conviction of four other co-accused and after the arrest of the petitioner, qua him the trial has also commenced and there is a strong apprehension that considering the previous conduct of the petitioner, in case he is released on bail then he may again abscond.

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

5. The petitioner is stated to be in custody for more than 3 years and 1 month but the previous conduct of the petitioner is also relevant for the purpose of considering the present bail petition. As per the learned State counsel, the

petitioner remained a proclaimed offender for more than 11 years and earlier he had run away from the custody of the police on 08.09.2008 and was then arrested on 14.10.2020 and in the meantime, the other co-accused were being tried who have since been convicted. The petitioner is also stated to be involved in two more cases in which he has also been convicted. This Court is of the view that now 4 prosecution witnesses out of total 26 cited prosecution witnesses have been examined and therefore, the trial is commencing properly. The apprehension which has been expressed by the learned State counsel that considering the previous conduct of the petitioner, in case he is released on bail then he may again abscond does carry weight and cannot be ignored.

6. Consequently, finding no merit in the present petition, the same is hereby dismissed.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

23.11.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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