

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(207)

2023:PHHC:059620
CRM-M-49296-2022
Date of Decision: 26.04.2023

Raj Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. B.S. Saini, Advocate for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case FIR No.42 dated 19.2.2016 under sections 353, 186, 379-B, 451, 427, 148, 149 IPC, registered at Police Station, Kotwali, District Bathinda.

As per factual matrix, a complaint was lodged on the statement of Rajinder Singh son of Pritam Singh, wherein it was alleged that he was working as Catering Manager in Bahia Fort Hotel. On 18.2.2016 there was a party booked in the hotel and the guests after taking alcohol started quarrelling with him. Though, they were served with the dinner, however, they in their inebriated condition started threatening him to return the money. Police also came to the spot but those persons started vandalizing the office of the hotel. They abused the hotel staff as well as police personnel. A request was made to take legal action against the culprits.

On the basis of complaint FIR was registered and the petitioner was nominated as accused. The co-accused were arrested, however, petitioner remained absent and could not be arrested, hence, he was declared

Proclaimed Offender on 31.1.2020. Subsequently he was arrested after about 5 years i.e. on 9.9.2022. He approached the court of learned Addl. Sessions Judge, Bathinda for grant of bail, however, the same was declined by the learned vide order dated 28.9.2022. Aggrieved by the same petitioner has approached this court for grant of bail.

Learned counsel for the petitioner vehemently contends that petitioner has been falsely implicated in the present case. He submits that petitioner was never aware of the case pending against him. He submits that the petitioner had shifted to Delhi and due to the fall he suffered a disc problem and due to Covil-19 he could not come to Bathinda and therefore he remained absented bonafidely. It is submitted that the investigation in the case is complete and charges have also been framed and hence the petitioner deserves to be granted bail.

On the other hand, learned State counsel has vehemently opposed the submissions made by counsel for petitioner. He submits that complicity of the petitioner along with the co-accused was duly established after completion of investigation. It is submitted that trial against the co-accused is already in progress but the petitioner remained absented and could not be arrested and hence he was rightly declared Proclaimed Offender on 31.1.2020, however, thereafter he was arrested on 9.9.2022. It is submitted that petitioner remained at large for about 5 years and thus his conduct is self-speaking for the rejection of his bail. It is submitted that out of total 18 prosecution witnesses only 3 have been examined so far. It is further submitted that petitioner cannot claim parity with the co-accused as they were not declared Proclaimed Offender and are duly facing the trial since beginning.

I have heard learned counsel for the parties at length and have gone through the records carefully.

Admittedly, the occurrence in question took place on 18.2.2016 and the FIR was registered on the next day i.e. on 19.2.2016. Co-accused were arrested, however, petitioner kept hoodwinking the investigating agency and hence could not be arrested. He was finally declared Proclaimed Offender by the Trial Court vide order dated 31.1.2020, however, he was subsequently arrested after 5 years on 9.9.2022. The co-accused in the case are facing trial since beginning but the petitioner remained at large for about 5 years. The investigation in the case is complete and charges already stand framed. Out of the total 18 prosecution witnesses 3 have been examined by the Trial Court.

In view of the overall facts and circumstances of the case, this court is of the opinion that there are every chances that trial would be adversely effected if the petitioner is granted benefit of bail, hence, there is no merit in the present petition and the same is accordingly dismissed.

(RAJESH BHARDWAJ)
JUDGE

26.04.2023

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No