

CRM-M-58541-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-58541-2023 (O & M)
Date of decision: 24.11.2023

GURCHARAN SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Ajay Pal Singh Rehan, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.52 dated 19.04.2021, registered under Section 379 IPC, at Police Station Sultanwind, Police Commissionerate Amritsar, District Amritsar.

2. It is submitted by learned counsel for the petitioner that the case against the petitioner is concocted. In the present case itself, the petitioner was granted bail pending trial by the court below. Thereafter, the challan was filed in the absence of the petitioner. Therefore, the petitioner could not appear before the trial Court, leading to he being declared a proclaimed person. However thereafter, the petitioner was arrested on 26.06.2023 and since then, he is in custody. The petitioner will not absent from the court in future. The investigation of the case is already complete and, therefore, the petitioner is not required for any further investigation purposes. Hence, the petitioner deserves to be released on bail pending

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trial.

3. Notice of motion.

4. On the asking of this Court, Mr. Jashandeep Singh, AAG, Punjab, accepts notice on behalf of the respondent-State. Learned State Counsel, on instructions, from ASI Angrej Singh, submits that the petitioner is involved in the crime. Therefore, the petitioner does not deserve the concession of bail pending trial. Moreover, the petitioner had absented from the process of court and was declared a proclaimed person. However, it is not disputed that the petitioner was granted bail in this case and even after re-arrest, the petitioner has been in custody since 26.06.2023.

5. In view of the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

24.11.2023

parveen kumar

**(RAJBIR SEHRAWAT)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No