

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

**CRM-M-1064-2024
Date of decision: 26.02.2024**

Balwinder Singh**....Petitioner.**

Versus

State of Punjab**....Respondent.****CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY**

Present:- Mr. R.S. Athwal, Advocate,
for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

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SANJIV BERRY, J. (ORAL)

1. Status report dated 26.02.2024, filed in the form of affidavit of Deputy Superintendent of Police, Sub Division Rupnagar, District Rupnagar, on behalf of State-respondent, is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

2. By way of instant petition preferred under Section 482 Cr.PC petitioner has sought quashing of the proclamation order dated 12.05.2023 (Annexure P-3) in case FIR (Annexure P-1), whereby the petitioner had been declared as proclaimed person in the case. Details of the FIR are mentioned as under: -

FIR No.	Dated	Sections	Police Station
170	06.10.2016	420, 34 IPC (465, 467, 468, 471 and 120-B IPC added subsequently)	City Rupnagar, District Rupnagar

3. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner had been granted concession of bail vide order dated 20.12.2017 (Annexure P-2) passed by learned Sessions Judge, Ropar. Thereafter, he absented from proceedings and later on he was declared as proclaimed person vide order dated 12.05.2023 passed by learned Chief Judicial Magistrate, Ropar (Annexure P-3).
4. Learned counsel for the petitioner further contends that the petitioner was arrested on 22.08.2023 and since then he is in custody. He further contends that the regular bail filed by the petitioner under Section 439 Cr.PC had been declined vide order dated 09.11.2023, passed by learned Sessions Judge, Rupnagar. He further contends that conclusion of trial will take sufficient long time, as such, he prays for concession of bail to the petitioner.
5. *Per contra*, learned State counsel, has opposed the request by submitting that the petitioner has absented from the proceedings and declared proclaimed person vide order dated 12.05.2023 (*supra*). Since he has misused the concession of bail, as such, he is not entitled to relief of bail.

6. Considering the rival contentions and perusing the record, it transpires that the petitioner is in custody since 22.08.2023. Earlier he had been granted concession of bail vide order dated 20.12.2017 (Annexure P-2) passed by learned Sessions Judge, Ropar, and later during the course of trial, he absented from proceedings and was declared as proclaimed person vide order dated 12.05.2023 passed by learned Chief Judicial Magistrate, Ropar (Annexure P-3). The conclusion of trial in the present case, triable by the Magistrate, will take sufficient long time and in these circumstances, it is observed that no purpose would be served in detaining the petitioner in custody any longer to face the incarceration till the conclusion of trial. Accordingly, without commenting on the merits of the case, instant petition is allowed whereby the impugned order dated 12.05.2023 is set aside and the petitioner is ordered to be released on bail on his furnishing surety bonds/bail bonds to the satisfaction of Trial Court/Duty Magistrate.

7. The petitioner shall give the undertaking that he will not leave the country without prior permission of the Court; will regularly appear before the trial Court on each and every date; in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed and he will not tamper with evidence of prosecution in any manner.

8. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.
9. Pending miscellaneous application, if any, also stands disposed of.

26.02.2024
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(SANJIV BERRY)
JUDGE

- i) Whether speaking/reasoned?

Yes/No
- ii) Whether reportable?

Yes/No