

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

220 CRM-M-896-2024
Date of Decision : January 15, 2024

HARMANDEEP SINGH ALIAS HARMAN -PETITIONER

V/S

STATE OF PUNJAB -RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Mr. Jashandeep Singh, A.A.G., Punjab.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.48 dated 13.08.2016, under Section(s) 336, 506, 34 of the IPC, and, Section(s) 25, 27 of the Arms Act, 1959, registered at P.S. Khilchian, District Amritsar.
2. The learned counsel for the petitioner, in his asking for the relief (supra), submits that earlier the petitioner was granted the concession of regular bail by the learned trial Court. Thereafter, the petitioner was regularly appearing before the learned trial Court, however, he could not appear on one date, which led to his being declared as a “Proclaimed Offender” by the learned trial Court on 20.07.2022. What led to his absence before the learned trial Court, was that, he was misguided by the clerk of his counsel that his case has been adjourned *sine die*, therefore, his appearance was not required and as such, his absence was neither intentional nor willful,

rather was *bona fide*. Resultantly, the petitioner was arrested on 25.06.2023 and he has been in custody since then.

3. The learned State counsel, though has not contested the above made factual submissions of the learned counsel for the petitioner, however, he has opposed the grant of bail to the petitioner, on the ground, that he is involved in six more cases. To substantiate this argument, he has placed on record the custody certificate of the petitioner, as issued by the Superintendent of Central Jail, Amritsar.

4. Also, the learned State counsel, on instruction imparted to him by A.S.I. Jasbir Singh, has intimated this Court that though charges have already been framed by the learned trial Court, however, no prosecution witness, out of total 20 prosecution witnesses, has yet been examined.

5. Be that as it may, considering the hereinabove made submissions, especially the fact that (i) the petitioner was earlier granted the concession of regular bail by the trial court, which was cancelled owing to his inadvertent absence; (ii) the petitioner, as is evident from custody certificate (supra), has undergone actual custody of approx. 07 months and 12 days; (iii) though the petitioner, as per the custody certificate (supra), is involved in six more cases, however, he has been granted the concession of bail in five cases; (iii) the trial is moving at a snail's pace and is not likely to conclude anytime soon, as none of the prosecution witnesses has yet been examined, this Court deems it appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and

surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

6. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

January 15, 2024
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(KULDEEP TIWARI)
JUDGE

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