

225 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-5663-2024
Date of decision: 7th March, 2024

Avtar Singh @ Vicky Sandhu @ Vikram Sandhu

...Petitioner(s)

Versus

State of U.T., Chandigarh

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. D.S. Sobti, Advocate for the petitioner.

Mr. Sidakmeet Singh Sandhu, APP, U.T., Chandigarh.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.

seeking regular bail in FIR mentioned below:-

FIR No.	Police Station	Sections
250	Manimajra, Chandigarh	406 and 498 of Indian Penal Code, 1860 (for short ‘IPC’)

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR has been lodged on the basis of a complaint filed by Paramjit Kaur wife of the petitioner. During the course of investigation, the present petitioner could not be apprehended. Proceedings under Section 82 of Cr.P.C. were initiated against him and he was declared proclaimed offender vide order dated 17.04.2004. After completion of necessary investigation, challan was presented against the co-

accused. In the meanwhile, the present petitioner was arrested on 22.03.2005 and had been extended benefit of regular bail on 28.03.2005. However, by misusing the concession of bail, he again absented himself from trial and was apprehended only on 26.12.2023 from Mumbai. The co-accused faced trial and has since been acquitted of the charges as framed against them.

3. It is submitted by learned counsel for the petitioner that he is in custody for a period of more than two months and fifteen days. His absence was not intentional but was due to the reasons that he was deeply anguished and stressed on account of harassment meted out at the hands of his wife and feeling extremely humiliated, he had fled away to Mumbai. He is critically ill now. He is suffering from diabetics mellitus Type-II and has its consequential effects on his body. He is bed ridden. He is ready to abide by the terms and conditions to be imposed by this Court and also ensure his presence before the trial Court on each and every date of hearing. Therefore, it is prayed and it is submitted by his counsel that he may be released on bail.

4. Respondent-State has filed reply. It is submitted therein and learned State counsel has vehemently argued that the petitioner does not deserve to be given concession of bail as he is habitual of avoiding his presence in the proceedings initiated against him in the concerned FIR and was declared a proclaimed offender not even once but twice. His presence could be secured after making strenuous efforts by the police agencies, after a gap of 17 years. There are chances of his absconding again, if extended benefit of bail and therefore, it is urged that the petition does not deserve to

be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. It is apparent from the record that the petitioner had been declared proclaimed offender during the course of investigation and thereafter also he had absented himself on 30.10.2006 and his presence could be secured after a gap of more than 17 years. However, he has placed on record a copy of discharge summary shown to be issued by Nanavati Max Hospital, Mumbai wherein he is diagnosed to be a case of diabetic foot ulcer (left grade II, and non case of type-II diabetic melitus).

7. Keeping in view of the period spent by the petitioner in custody, the nature of the allegations as levelled against him in the FIR and the overall facts and circumstances of the case, I am inclined to extend benefit of bail to the petitioner subject to the condition that he shall furnish personal/surety bonds before the learned trial Court within a period of two weeks. The surety bonds shall be furnished to the tune of ₹10,00,000/- each. Apart from this, he shall also deposit an amount of ₹5,00,000/- in the form of FDR in the name of the concerned Court to ensure his presence during the period of trial. He shall also appear before the learned trial Court on each and every date of hearing. He shall also give the details of his present address, Aadhar Card, passport, phone number(s), bank account number(s) and address of his place of employment/business and shall be bound to intimate the change of his address, if any, during the course of trial. If he

fails, to abide by these conditions, this order shall be deemed to be cancelled.

9. Since the main petition has been allowed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

7th March, 2024

Parveen Sharma	1. Whether speaking/ reasoned	:	Yes / No
	2. Whether reportable	:	Yes / No