

CRM-M-11141-2024

219 **IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-11141-2024
Decided on:-07.03.2024

Balveer Singh @ Balbir SinghPetitioner..

vs.

State of PunjabRespondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Kuldip Singh, Advocate for the petitioner.

Mr. Siddharth Sandhu, AAG, Punjab.

HARKESH MANUJA J. (Oral)

1. By way of present second petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail pending trial, in case bearing FIR No.41, dated 04.03.2007 registered under Sections 307, 323, 333, 353, 186, 148 and 149 IPC, at Police Station Sadar Jalalabad, District Fazilka.
2. Learned counsel for the petitioner submits that the petitioner has been implicated for having inflicted injuries upon the person of complainant- HC Sukhdev Singh.
3. The prayer made herein has been opposed at the instance of learned State counsel while submitting that initially the petitioner was granted the concession of regular bail by this Court vide order dated 15.02.2010, however, he was declared as proclaimed offender vide order dated 30.09.2011 and could be apprehended on 28.09.2023 and thus, evaded the process of law for a long period of 12 years, therefore, he does not deserve the concession of regular bail.

4. I have heard learned counsel for the parties and gone through the paper book and find substance in the submissions made on behalf of the petitioner.
5. In the present case, the petitioner being apprehended on 28.09.2023, remained behind the bars for the past 05 months by now and he is an old man of 67 years of age and trial is likely to take some. Moreover, the petitioner earlier remained in custody for 09 months in this very FIR, however, the other two co-accused namely, Mohinder Singh and Bharawan Bai, who were convicted vide judgment dated 24.07.2017 in this very FIR were sentenced for one year.
6. Considering the aforesaid facts, I do not find any justification to extend the incarceration of the petitioner.
7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.
8. It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

07.03.2024
sonika

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/ No