

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

226

CRM-M-16222-2024

Date of decision: 09.04.2024

GURPREET SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Kushagra Mahajan, Advocate for the petitioner.

Mr. Raghav Garg, AAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, under Section 439 Cr.P.C, prayer is made for seeking regular bail of the petitioner, in cross-case registered on the statement made by Hardeep Singh, s/o Thakur Singh, under Sections 323, 324, 384, 148 and 149 of IPC, and under Section 25 of the Arms Act, 1959, (under Section 326 of IPC, 1860, added later on), in FIR No.143, dated 07.07.2009, under Sections 307 and 34 of IPC, 1860, and under Sections 25 and 27 of the Arms Act, registered at Police Station Lopoke, District Amritsar.

2. Today learned counsel for the petitioner has placed reliance upon the order passed by the Co-ordinate Bench of this Court, vide order dated 30.09.2010 (Annexure P-2), whereby, the interim bail granted to the petitioner, vide order dated 06.09.2010, was made absolute. Learned counsel for the petitioner further submits that the petitioner was continuously appearing before the learned trial Court concerned, however, on 13.03.2023, he could not appear before the learned trial Court concerned, due to some unavoidable reasons, and thereupon, the P.O. proceedings were initiated against the present petitioner, and finally on 28.08.2023, he was declared as a Proclaimed Offender. Learned counsel for the petitioner also

submits that petitioner himself surrendered before the learned trial Court concerned, on 11.12.2023, and since then he is behind the bars.

4. Per contra, the learned State counsel, who is in receipt of advance notice, has placed on record the custody certificate of the petitioner, as issued by the Superintendent of Central Jail, Amritsar. The same is taken on record. A perusal of the custody certificate reveals that the petitioner has suffered incarceration of 03 months and 28 days, as on today, after his surrender before the learned trial Court concerned. A perusal of the custody certificate further reveals that the petitioner is not involved in any other criminal case.

5. Considering the fact that the petitioner was earlier granted the relief of interim bail by the Co-ordinate Bench of this Court, vide order dated 30.09.2010, and the petitioner has suffered incarceration of 03 months and 28 days, as on today, after his surrender before the learned trial Court concerned, and also considering the fact that the conclusion of trial will take long time. Accordingly, this Court deems it fit and appropriate to grant the concession of regular bail to the present 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 heavy 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 trial, and is only meant for deciding the present petition.

09.04.2024
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(KULDEEP TIWARI)
JUDGE

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