

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

CRM-M-16211-2024
Decided on:-02.05.2024

Tinku Sharma

....Petitioner..

vs.

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Davinder Singh Saini, Advocate for the petitioner.

Mr. Rahul Jindal, AAG, Punjab.

HARKESH MANUJA J. (Oral)

1. By way of present 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.80, dated 05.05.2013, registered under Sections 279 and 427 IPC, Police Station Morinda, District Rupnagar, wherein, the petitioner has been implicated against the allegations of driving Trola bearing No.PB-03T-1895 with high speed in a rash and negligent manner, thereby, causing damage to the vehicle of the complainant, besides, he having sustained multiple injuries.

2. The prayer made herein has been opposed at the instance of learned State counsel while submitting that the FIR in question was registered in the year 2013, wherein, the petitioner was declared as proclaimed person/offender in the year 2015 and could only be apprehended in the year 2024 i.e. almost after 09 years and thus, he does not deserve the concession of regular bail.

3. I have heard learned counsel for the parties and gone through

the paper book, I find substance in the submissions made on behalf of the petitioner.

4. In the present case, though the petitioner was declared as proclaimed offender in the year 2015 and could only be apprehended in the year 2024, however, he did not indulge in any criminal activity during the interregnum period. Moreover, the petitioner is in custody for the last almost 02 months and the investigation already stands concluded with the filing of the challan followed by framing of charges and trial is likely to take some time as none of the prosecution witnesses has been examined so far.

5. Thus, considering the aforesaid facts, I do not find any justification to extend the incarceration of the petitioners.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioners are ordered to be released on regular bail on their furnishing adequate bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

7. It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

02.05.2024
sonika

(HARKESH MANUJA)
JUDGE

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