



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

251

CRM-M-21864-2024 (O&M)
Date of Decision:- 27.08.2024

AJAY LAKHESAR @ MANI
....Petitioner(s)
Versus
STATE OF PUNJAB
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Charitr Kadiyan, Advocate
Mr. V.K. Kaushal, Advocate for the petitioner.
Mr. Japjot Singh, AAG Punjab.

SANJIV BERRY, J. (ORAL)

1. Short reply dated 09.07.2024 filed in the form of an affidavit of Assistant Commissioner of Police, Central Amritsar is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. Arguments heard.
3. The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
39	04.04.2019	379-B (2) and 34 IPC; (201 and 411 IPC added later on)	Division E, District Police Commissionerate Amritsar

4. It is, *inter alia*, contended by learned counsel for the petitioner that after having been arrested in case FIR (Annexure P-1), the petitioner



was granted the concession of bail by learned Additional Sessions Judge, Amritsar vide order dated 24.05.2019 (Annexure P-2) and thereafter he had been regularly appearing in Court till 09.01.2023. However, later on the petitioner could not appear in the Court on account of his hospitalization, leading to cancellation of his bail and issuance of warrants of arrest. Subsequently, proclamation proceedings were initiated, leading to the petitioner being declared as proclaimed offender in this case vide order dated 17.08.2023. Learned counsel submits that the petitioner was thereafter arrested by the police on 16.09.2023 and since then he is in custody. Hence prayed for grant of regular bail to the petitioner.

5. *Per contra*, learned State counsel while referring to the short reply submitted by the State has not disputed the factual matrix. However, he has admitted that the petitioner is in custody on account of being declared proclaimed offender in the case.

6. After considering the respective submissions and perusing the record, it transpires that after having been arrested in the instant FIR (Annexure P-1), the petitioner was granted the concession of bail by learned Additional Sessions Judge, Amritsar vide order dated 24.05.2019 (Annexure P-2). Admittedly, the petitioner absented from the proceedings on account of being hospitalized due to Jaundice, leading the petitioner being declared as proclaimed offender in the case on 17.08.2023. Thereafter, the petitioner was arrested on 16.09.2023 and since then he is in custody. It is evident that the petitioner was initially granted the concession of bail in the present case, but now he is in custody only on account of being declared proclaimed



offender due to his absence from the proceedings during the course of trial. Learned State counsel has apprised the Court that the prosecution has cited 18 witnesses but till date only 01 witness has been examined by learned trial Court. Considering all these aspects and keeping in view the facts and circumstances as noted above, no purpose would be served by detaining the petitioner in custody any longer as the conclusion of trial to ascertain the criminal liability, if any, of the petitioner, will take sufficient long time.

7. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)
JUDGE

27.08.2024
S.Sharma(syr)

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |