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IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CRM-M-24693-2024 (O&M)

Date of decision : May 22, 2024

RASHPAL SINGH ALIAS THINDA

....PETITIONER

Versus

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

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

Mr Akshay Kumar, AAG, Punjab.

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KULDEEP TIWARI.J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.81 dated 27.08.2015 under Sections 399, 402, 212, 216 and 37 IPC, and under Section 25 Arms Act, 1959, registered at Police Station Maqboolpura, Amritsar.
2. Learned counsel for the petitioner submits that the petitioner was earlier granted regular bail by the learned trial Court concerned itself, however, on account of his being not present on dated 06.07.2022, his regular bail was cancelled, and the bail bond was forfeited to the State, thereupon, vide order dated 22.02.2023, he was declared as a proclaimed offender. Having apprehension to be arrested, thereupon the petitioner approached this Court by filing CRM-M-21352-2024, challenging the order dated 22.02.2023, whereby, he was declared as proclaimed offender.



3. On the other hand, learned State counsel on instructions imparted to him by ASI Rampal, submits that no witnesses out of total 13 cited prosecution witnesses have been examined so far.

4. This Court has heard the learned counsels for the parties concerned and has considered the entire material on record.

5. This Court had disposed of the above petition bearing CRM-M-21352-2024, vide order dated 01.05.2024, with the following directions:-

*“6. In view of the limited prayer made by learned counsel appearing on behalf of the petitioner, the petition is disposed of with direction to the petitioner to appear and surrender before the learned trial Court on or before 09.05.2024. Till then, no coercive steps shall be taken against the petitioner, subject to payment of costs in the sum of 10,000/- which shall be deposited with the District Legal Services Authority, Amritsar.*

*7. However, it is made clear that in case the petitioner fails to surrender before the Court concerned within the above stipulated time period, this order shall be of no avail to him, thereafter. In case, on appearance and surrender, the petitioner moves an application for bail, the learned trial Court shall make earnest efforts to decide the same expeditiously in accordance with law.”*

6. In deference to the above said order passed by the Coordinate Bench of this Court, the petitioner has appeared before the learned trial Court concerned, and also moved a regular bail application on dated 07.05.2024, (wrongly recorded as 07.06.2024 in the order of the trial Court). He has also deposited a sum of Rs.10,000/-, as costs which was imposed upon him with the DLSA, Amritsar. Surprisingly, despite specific directions issued by this Court, that no coercive action shall be taken against the petitioner till 09.05.2024, the learned trial Court



concerned has cancelled the regular bail of the petitioner vide order dated 07.05.2024, and the petitioner was order to be taken into judicial custody.

7. 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 bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

8. All the pending applications, if any, stand disposed of.

May 22, 2024  
monika

( KULDEEP TIWARI )  
JUDGE

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|-----------------------------|--------|
| Whether speaking/reasoned:- | Yes/No |
| Whether Reportable:-        | Yes/No |