

TEJINDER SINGH @ BABLU

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Jagjeet Singh, Advocate for the petitioner.
Mr. Shubham Kaushik, A.A.G., Punjab.

HARKESH MANUJA, J. (ORAL)

By way of this Second petition filed under Section 439 CrPC, prayer has been made for grant of regular bail in case FIR No. 116 dated 27.10.2019 registered under Sections 307, 148 and 149 of IPC and Sections 25, 27, 54 and 59 of Arms Act, 1959 (Section 302 IPC added later, Section 34 of IPC added vide DDR No.021 dated 14.01.2020 and Sections 148, 149 stands deleted) at P.S. Ghuman, Police District Batala, Gurdaspur wherein, the petitioner was implicated against the allegations of having given fatal injuries to the deceased-Simranjit Singh.

2. The prayer made herein has been opposed at the instance of learned State counsel while submitting that the petitioner though having been granted concession of regular bail, absconded himself from the process of law for a long period of more than 1 year and 4 months and thus, he does not deserve the concession of bail at this stage.

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, the petitioner was originally granted concession of bail by this Court vide order dated 01.07.2020, who absconded himself on 08.04.2021 and was later declared as proclaimed offender on 07.07.2022 followed by his arrest on 31.08.2022. The petitioner is already behind the bars for a period of almost one year and four months post his arrest on 31.08.2022. It is not the case of the prosecution that during his escape between 08.04.2021 and 31.08.2022, the petitioner ever extended any threat to the prosecution witnesses. Considering the custody period of the petitioner besides, the fact that the trial is likely to take some time and there being no threat been extended by the petitioner to the prosecution witnesses, this Court does not find justification to extend his incarceration any further. Moreover, in the humble opinion of this Court, the involvement of the petitioner in two other cases during 08.04.2021 to 31.08.2022; one under the provisions of NDPS Act relating to recovery of 5 grams of heroin and the other one regarding forgery/fraud would not disentitle the petitioner of the relief prayed for.

5. In view of the above, without commenting anything on the merits, lest it may prejudice the case of either side, 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 learned trial Court/Duty Magistrate.

30.01.2024
Tejwinder

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No