

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

217

CRM-M-27009-2024 (O&M)
Date of Decision:- 14.08.2024

KANAVPREET SINGH @ KANWARPREET SINGH @ SHEFFY

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Ms. Nandini Sharma, Advocate for
Mr. Umesh Aggarwal, Advocate for the petitioner.

Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case:-

FIR No.	Dated	Sections	Police Station
49	06.04.2016	307, 148 and 149 IPC; 25 and 27 of the Arms Act	Sadar, District Amritsar

2. 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 bail vide order dated 02.11.2019 (Annexure P-2) and thereafter he had been regularly appearing in Court. However, on 09.06.2021, the petitioner could not appear in the Court leading to cancellation of his bail

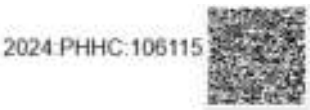


and issuance of warrants of arrest. Subsequently, proclamation proceedings were initiated, leading to the petitioner being declared as proclaimed offender in this case vide order dated 29.06.2022. Learned counsel submits that the petitioner had surrendered in the Court on 08.07.2023 and since then he is in custody. Hence prayed for grant of regular bail to the petitioner.

3. *Per contra*, learned State counsel has not disputed the factual matrix, however, submits that as per the custody certificate, the petitioner is facing one more criminal case apart from the present one, although he is on bail therein.

4. Heard.

5. 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 vide order dated 02.11.2019 (Annexure P-2) passed by learned Additional Sessions Judge, Amritsar. Admittedly, the petitioner absented from the proceedings on 09.06.2021, leading to him being declared as proclaimed offender in the case. Thereafter, the petitioner had surrendered in the Court on 08.07.2023 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. As per the custody certificate, the petitioner is having one more criminal case, although he is on bail therein. Learned State counsel has apprised the Court that the prosecution has cited 23 witnesses in the challan, but till date none 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.

6. 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 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.

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

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

(SANJIV BERRY)
JUDGE

14.08.2024
S.Sharma(syr)

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