



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

217

CRM-M-31169-2024  
Date of decision: 21.08.2024

GURPREET SINGH @ MONU

....Petitioner

Versus

STATE OF PUNJAB AND ANR

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Ravi Gakhar, Advocate  
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

**KULDEEP TIWARI. J.(Oral)**

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.0082 dated 05.06.2017, under Sections 323, 325, 307, 341, 506, 148 and 149 of IPC, registered at Police Station Sadar Morinda District Rupnagar.
2. It is a case where the petitioner was declared as proclaimed offender, vide order dated 20.04.2023, and thereupon, he surrendered on 06.04.2024, and since then he is behind the bars. The petitioner had applied for the grant of regular bail before the learned trial Court concerned, which was got dismissed, vide order dated 29.05.2024, which propelled the petitioner to file the instant petition, seeking the relief of regular bail.
3. The learned counsel for the petitioner, in his asking for the hereinabove extracted relief, has made the following submissions:-

***(i) The co-accused who has faced the trial in the instant FIR with the present petitioner has already been acquitted by the learned trial***



***Court concerned, vide judgment dated 29.07.2023 (Annexure P-3);***

***(ii) One of the co-accused Rupinder Singh has also been granted the relief of regular bail by the learned trial Court concerned, vide order dated 07.02.2024 (Annexure P-4);***

***(iii) Petitioner has suffered incarceration of more than 04 months, as on today;***

***(iv) The petitioner has clean antecedents, as he is not involved in any other criminal case.***

***(v) One of the star prosecution witness, did not support the case of the prosecution, and has turned hostile.***

4. Per contra, the learned State counsel, has opposed the grant of regular bail to the petitioner, and submits that the present petitioner has remained a proclaimed offender for more than one year, therefore, he is not entitled for the grant of regular bail. Learned State counsel has placed on record the custody certificate *qua* the petitioner, as issued by the Superintendent of District Jail Ropar. The same is taken on record. A perusal of the custody certificate reveals that the petitioner has suffered incarceration of 04 months and 14 days, as on today. A perusal of the custody certificate further reveals that the petitioner is not involved in any other criminal case.

5. This Court has heard the learned counsel for the parties concerned, and has gone through the instant petition, and is of the considered opinion that the instant petition is amenable for being allowed.

6. The reason for forming the above inference emanates from the factum that:- (i) Co-accused of the petitioner have already been granted the relief of regular



bail by the learned trial Court concerned; (ii) The petitioner has suffered incarceration of 04 months and 14 days, as on today; (iii) The petitioner is not involved in any other criminal case (iv) No fruitful purpose would be served by keeping the petitioner behind the bars, (v) Trial is not likely to conclude anytime soon.

7. Considering the hereinabove made discussion, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner. 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 bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

8. However, anything observed here-in-above shall have no effect on the merits of the trial, and is only meant for deciding the present petition.

9. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court.

21.08.2024  
amandeep

(KULDEEP TIWARI)  
JUDGE

Whether speaking/reasoned. : Yes/No  
Whether Reportable. : Yes/No