



CRM-M-37461-2024

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-37461-2024

Date of Decision:- 01.10.2024

Gurlal Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Saurabh Kaushik, Advocate
for the petitioner.

Mr. Kewal Singh, Addl. A.G. Punjab.

AMARJOT BHATTI, J.

1. Petitioner Gurlal Singh has filed petition under Section 439 of Cr.P.C. for granting concession of regular bail to petitioner in case FIR No. 159 dated 28.12.2016 (Annexure P-1) under Sections 447, 511, 336, 379, 427, 148, 149 of IPC, registered at Police Station Sadar, Nabha.

2. As per the facts of case, Chattar Singh complainant gave his statement that he is farmer by profession. They are six brothers. In the year 1989, he and his brother Nishabar Singh agreed to purchase 17 bigha of land from Satnam Singh. Earnest money was paid on 19.06.1989 and date fixed for execution of sale deed was 30.11.1989 on payment of balance sale consideration. On that day, Satnam Singh did not turn up for execution of sale deed. Satnam Singh had delivered possession of that land. Civil litigation started which was decided in his favour. He (complainant) and his brother were cultivating land since 19.06.1989. On the day of occurrence,

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at about 03:00 PM, Shobha Singh, Satnam Singh, Daler Singh, Gurlal Singh, Baljeet Kaur alongwith some unknown persons tried to take possession of land around which they had installed barbed wire. They took away said fencing wire and broke open the lock of electric motor room. They also damaged the construction of pond. Regarding this, matter was reported to police.

3. Learned counsel for petitioner argued that he is falsely implicated in this case. In bail petition, petitioner has given detail of four FIRs registered against him alleging that said cases were registered on false ground. He is in custody since 09.05.2024 and his regular bail application has been declined by learned Additional Sessions Judge, Patiala vide order dated 10.06.2024 (Annexure P-3). Since, then he is behind the bars. Therefore, his regular bail petition may be allowed.

4. Bail petition is opposed by learned counsel representing State on the ground that present petitioner was arrested alongwith co-accused on 29.12.2016. Challan was presented on 02.01.2018 and charge-sheet was also framed. Petitioner absented on 11.09.2019 and after cancellation of bail order, he was declared proclaimed offender on 06.02.2023. Thereafter, he was again arrested in present case. It is pointed out that petitioner remained absent for a period of four and a half years. There is every likelihood that he may abscond, if released on bail.

5. I have considered the arguments and have gone through the record. It cannot be ignored that present petitioner absented and was declared proclaimed offender and ultimately, he was again arrested in this

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case on 09.05.2024 to face trial in this case. Present petitioner has not given any explanation regarding the long absence detailed in status report. It cannot be ignored that in case petitioner is released on bail, he may abscond again. In view of aforesaid facts and circumstances of case, regular bail petition filed by petitioner – Gurlal Singh is dismissed. At the same time, trial Court is directed to expedite the trial by giving reasonable opportunities.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

01.10.2024

*lalit***(AMARJOT BHATTI)**
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No