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

CRM-M-37999-2024

Date of Decision: 09.08.2024

Harwinder Singh

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Naveen Sharma, Advocate
for the petitioner.

Mr. Deepinder Singh Brar, Senior DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of Cr.P.C. with a prayer to grant regular bail to him in case FIR No.117 dated 08.08.2016 registered under Sections 379-B, 342, 148, 149 of IPC and Sections 25, 27, 54, 59-A of IPC, at Police Station Dayalpura, District Bathinda.

2. Learned counsel for the petitioner contends that the petitioner was falsely involved in the present case. He further contends that the petitioner was initially arrested on 09.08.2016 and was granted the concession of regular bail on 24.08.2016. He further contends that the final report under Section 173 Cr.P.C. was presented on 06.05.2021 and due to communication gap with his counsel, the petitioner could not appear before the trial Court. Consequently, the petitioner was wrongly declared as proclaimed offender on 16.09.2023. Learned counsel further submits that the petitioner was arrested in the present case on 02.05.2024 and is in custody since then. He further undertakes that the



petitioner shall appear on each and every date of hearing before the trial Court and shall not remain absent from the trial proceedings, without seeking prior approval by the trial Court.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner was declared as proclaimed offender in the present case and does not deserve the concession of bail by this Court.

4. I have heard the learned counsel for the parties and perused the record.

5. The petitioner was initially arrested in the present case on 09.08.2016 and was granted the concession of bail on 24.08.2016. Thereafter, the investigation remained pending for 05 years and the challan was ultimately presented on 06.05.2021. Now, the petitioner is in custody for the last more than 03 months and 23 days. The trial is yet to commence formally against the petitioner and no purpose will be served by keeping him behind bars.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.



- (iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.
- (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.
- (vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.
- (vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.
- (viii) The petitioner shall report every 1st Monday in English calander month to the concerned SHO till the conclusion of the trial and the SHO shall mark his presence by making an entry in the rojnamcha. In case, he does not report on every 1st Monday to the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.

09.08.2024.
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(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No