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

CRM-M-39732-2024

Date of Decision:- 10.12.2024

Gurnam Singh alias Gamma

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Amit Arora, Advocate
for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

AMARJOT BHATTI, J.(Oral)

1. Petitioner – Gurnam Singh alias Gamma has filed petition under Section 439 of Cr.P.C. for grant of regular bail in FIR No. 0003 dated 29.01.2021, under Section 379-B (2) of IPC and Section 25 of Arms Act (offence under Section 411, 201 of IPC added later on), registered at Police Station Kacha Pacca, District Tarn Taran.
2. Facts of the case are Varinder Singh complainant gave his statement to police that on 29.01.2021, he had gone for photography and preparing video of marriage function. He had taken alongwith him drone camera and prepared video. After doing his job, he was returning to his village on motorcycle bearing Registration No. PB-38-1327. He was near village Chuslewarh, when one Hero Honda motorcycle came from the side of village Bhikhiwind. Three boys were on said motorcycle who stopped



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him on the way. One person was armed with *kirpan* and two other persons were armed with pistols. They snatched his bag containing drone camera and stolen his motorcycle. He called his friend Satnam Singh and thereafter, matter was reported to police.

3. Learned counsel for petitioner pointed out that he is falsely implicated in this case. Earlier, he was granted regular bail vide order dated 06.07.2021 (Annexure P-2) passed by learned Additional Sessions Judge, Tarn Taran. After framing of charge-sheet, prosecution evidence was in progress when he missed one date on 22.03.2024. He filed CRM-M-23937-2024 for quashing of said order in which he was directed vide order dated 14.05.2024 to surrender before the trial Court and deposit Rs. 25,000/- as cost and with this condition he was granted *interim* bail. Copy of order dated 14.05.2024 is Annexure P-3. He could not fulfill this condition and ultimately, proclamation proceedings started against him and was declared “Proclaimed Offender” vide order dated 06.06.2024 (Annexure P-4). Ultimately, he filed application to surrender before trial Court which is Annexure P-9 and copy of order dated 05.07.2024 is Annexure P-10. Since, then he is behind the bars. During proceedings of trial, complainant has stepped into the witness box as PW-1 and did not identify present petitioner. Copy of said statement is Annexure P-11. He filed application for regular bail, which is declined by learned Additional Sessions Judge, Tarn Taran vide order dated 07.08.2024 (Annexure P-12). Thereafter, he filed present petition. He is ready to abide by terms of bail order. It is prayed that his regular bail petition may be allowed.



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4. Bail petition is opposed by learned counsel representing State. Aforesaid factual position is not disputed. It is argued that present petitioner was declared Proclaimed Offender. He had misused concession of bail granted in his favour, therefore, his regular bail petition may be declined.

5. I have considered the arguments and have gone through the record carefully. Considering the aforesaid factual position, petitioner was marked absent and ultimately declared Proclaimed Offender on 06.06.2024. He was granted concession of *interim* bail but he could not fulfill the condition. Ultimately, he surrendered before the trial Court on 05.07.2024 and since then he is behind the bars. It cannot be ignored that statement of complainant has been recorded as PW-1. Perusal of said statement indicates that witness did not identify present petitioner. Entire evidence led before the trial Court is to be considered on its own merits. Therefore, without going on the merits, regular bail petition filed by petitioner is allowed. He is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Judge concerned.

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

10.12.2024
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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No