

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41809-2024
Date of Decision:03.09.2024

Jasvir Singh @ Jassu ...Petitioner

vs.

State of Punjab ...Respondent

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

Present : Mr. Jasdev Singh Mehndiratta, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 of B.N.S.S with a prayer to grant regular bail to him in case FIR No. 189 dated 10.07.2023, registered under Sections 323,324,341,506,148,149 of IPC (report under Section 173 of Cr.P.C was presented under Sections 326, 324,323,341,506,148,149 of IPC), Police Station City Rajpura, District Patiala (Annexure P-1).
2. Learned counsel for the petitioner contends that as per the allegations levelled by the complainant in the present FIR that the petitioner had caused a blow with *Kirpan (sword)* on the left arm and right wrist of Ram Kumar. He further contends that the offence under Section 326 IPC was added only without any medical evidence. He further contends that the petitioner went to Australia in October 2008 and came back in 2022. In the year 2024, he came to know that he has already been declared a proclaimed offender vide order dated 16.07.2009 and he immediately surrendered before the Court on

26.04.2024. Learned counsel further contends that the co-accused of the petitioner were tried by the Trial Court and the witnesses had turned hostile in the said trial. As a consequence, the co-accused were ordered to be acquitted by the trial Court. Learned counsel for the petitioner further contends that the petitioner shall appear before the Trial Court on each and every date of hearing in the present case.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner was declared as a proclaimed offender on 16.07.2009 and he evaded the process of law for the last about 15 years. Learned counsel further submits that there is well founded apprehension that the present petitioner may again abscond from the process of law, if he is ordered to be released on bail by this Court.

4. At this stage, learned counsel for the petitioner has voluntarily offered that the petitioner shall appear on each and every date of hearing before the Trial Court and shall not remain absent during the trial, without prior permission of the Court. He has further assured the Court that the petitioner will not leave the country without prior permission of the Trial Court and shall immediately surrender his passport before the Trial Court, at the time of furnishing bail bonds. Learned counsel has further voluntarily offered to furnish heavy personal bonds/surety bonds to allay the apprehensions expressed by learned State counsel.

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

6. In the present case, even though the petitioner has been declared

proclaimed offender for a very long period, however, he cannot be ordered to be incarcerated for a longer period as an undertrial prisoner. In the present case, this Court is conscious of the fact that co-accused of the petitioner were tried by the Trial Court and the witnesses had not supported the case of the prosecution. Thus, no purpose will be served by keeping the petitioner behind the bars.

7. Consequently, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate 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. The petitioner shall not leave India without prior permission of the Court.

(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 is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The petitioner shall furnish heavy personal bonds/surety bonds to the satisfaction of the concerned Court. 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.

8. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

03.09.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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