

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

218

CRM-M-41896-2024

Date of Decision : **September 03, 2024**

JASVIR SINGH ALIAS JASSU

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Ms. Jyotnoor Kaur Sethi, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. The petitioner, who was declared as a proclaimed offender in the instant FIR on 23.7.2009, was finally arrested on 8.5.2024 and till date, he is behind the bars and has filed the instant petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking regular bail in case FIR No.41 dated 6.6.2003, Under Sections 324, 341, 506, 323, 148, 149 IPC, registered at Police Station Banur, District Patiala.

2. Learned counsel for the petitioner in the asking for the relief (supra) submits that a total of 6 accused were arraigned in the instant FIR and except the present petitioner, all other 5 accused, who have faced the trial, have been acquitted, by the learned trial Court concerned. She further submits that as per the allegations levelled against the petitioner, no specific



injury is attributed to him inviting the penal provisions of Section 326 IPC. She also submits that the petitioner has suffered sufficient incarceration i.e. 5 months and 6 days in the instant matter. Finally, she submits that though the petitioner is involved in four other cases, however, out of that four cases, in two cases, the petitioner has been extended the benefit of regular bail by the Court concerned.

3. The learned State counsel has opposed the grant of regular bail to the petitioner on the ground that the petitioner remained as a proclaimed offender for about 19 years and there is all probability that in case the petitioner is released on bail, he would flee from the clutches of law. He also filed the custody certificate *qua* the petitioner today in the Court, which is taken on record. He further informs this Court that no prosecution witness has been examined till date.

4. This Court has considered the rival submissions made by the learned counsel for the parties concerned and is of the view that the petitioner deserves to be released on regular bail for the reasons hereinafter extracted:-

i) that no specific injury attributed to the present petitioner;

ii) that he has suffered incarceration of 5 months and 6 days and co-accused, who faced trial, have already been acquitted; and

iii) though the petitioner remained proclaimed offender, but now he has surrendered and is facing trial in the instant FIR.

5. In view of the facts and circumstances recorded above, this Court deems it fit and appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed**.
6. The petitioner is ordered to be released on bail on furnishing of bail bonds and two heavy local surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.
7. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

September 03, 2024
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(KULDEEP TIWARI)
JUDGE

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