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IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRM-M-47769 of 2023  
Date of decision:- 19.01.2024

KULDEEP SINGH @ MANGA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Gurcharan Singh Bains Advocate  
for the petitioner.

Mr. Harpreet Singh, Addl. AG. Punjab.

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SANJIV BERRY, J. (ORAL)

CRM-1566-2024

1. Heard.
2. Keeping in view the averments made in the application, exemption from filing certified copy of Annexure P-5 to P-9 is allowed and typed/photocopy of the same is taken on record.
3. CRM stands disposed of.

CRM-1570-2024

1. Heard.
2. Keeping in view the averments made in the application, the

same is allowed and in the prayer clause Section 201, 472 IPC and Section 25, Arms Act are ordered to be added.

3. Registry to make necessary corrections in the head note of the main case.
4. CRM stands disposed of.

**Main case**

1. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular in the following case (Annexure P-1):-

| FIR No. | Dated      | Sections                                              | Police Station                       |
|---------|------------|-------------------------------------------------------|--------------------------------------|
| 0063    | 10.07.2020 | 307, 201, 472 148, 149 IPC and 25, 26, 27 of Arms Act | Singh Bhagwantpur, District Rupnagar |

2. Learned State counsel has filed the custody certificate dated 18.01.2024. The same is taken on record. Copy thereof has been supplied to the counsel opposite.
3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner after having been arrested in the aforesaid FIR (Annexure P-1), was granted concession of bail vide order dated 04.09.2020 (Annexure P-5) passed by Additional Sessions Judge, Rupnagar and the petitioner was released on bail on his furnishing bail bonds and surety bonds. He submits that thereafter the surety of the petitioner had withdrawn the same and ultimately on the absence of the petitioner he was declared as proclaimed offender in the case vide order dated 29.11.2022 (Annexure P-9) and later on he was arrested on 11.04.2023 and since then he is in custody. He submits

that the conclusion of trial will take sufficient long time as such he prays for grant of concession of bail to the petitioner.

4. Learned State counsel has not disputed the factual matrix and has admitted that the petitioner was earlier granted bail in the FIR No. 63 dated 10.07.2020 (Annexure P-1) and later on due to withdrawal by the surety, petitioner had absented from the proceedings and was declared as proclaimed offender. He submits that the petitioner is in custody since 11.04.2023.

5. After considering the rival contentions and perusing the record, it transpires that the FIR (Annexure P-1) was registered against the petitioner and he was arrested therein. Subsequently, he was granted concession of bail on furnishing the requisite bail bonds and surety bonds. However, during the course of trial the surety had withdrawn the bonds and thereafter the petitioner absented from the proceedings and after being declared as proclaimed offender in the case he was arrested on 11.04.2023 and since then he is in custody. It is not disputed that the petitioner was granted concession of regular bail in the case FIR (Annexure P-1) and presently he is in custody on account of his absence, being declared as proclaimed offender in the case. The conclusion of trial will take sufficient long time and no useful purpose would be served by keeping the petitioner behind bars any longer.

6. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to

be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)  
JUDGE

19.01.2024

|      |     |                            |        |
|------|-----|----------------------------|--------|
| Gyan | i)  | Whether speaking/reasoned? | Yes/No |
|      | ii) | Whether reportable?        | Yes/No |