

(218)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-54914-2023
Date of Decision: 02.05.2024

MANJIT SINGH @ PAMMA

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ramnish Puri, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.21 dated 25.02.2016 registered under Sections 436, 427 IPC, 1860 at Police Station Gate Hakima, District Amritsar.

2. The present FIR came to be registered at the instance of Sahu wife of Dadi and the same reads as under:-

“Statement of Sahu wife of Dadi Caste Mangta resident of Himatpura Jhugian Mulechak Police Station Gate Hakima, Amritsar, age 60 years. It is stated that I am a resident of the above-mentioned address and my husband had gone out for begging. I was outside my shack with my daughter Sheba and boy Ramadal. While sitting, it must be around 5 o'clock, four boys came from Mulechak side who seemed to be under the influence of drugs. As soon as they came, they started fighting and after fighting left from there and thereafter sometime above boys came there again and they set fire to the shack due to which my shack was burnt down and the belongings, silver, gold, cash, clothes etc. lying inside the

shack were burnt and the shack of Rambali son of Parameshwar was also set on fire near my shack. His shack was also burnt down and the said boys fled from there, whose name later on Lakhwinder Singh alias Kuki son of Sarabjit Singh resident of Achint Kot Monu son of Billa resident of Himatpura, Deepu son of Nita resident of Himatpura and Pamma son of Balbir Singh, a resident of Himatpura, the said boys have caused a lot of damage by quarrelling with us and setting fire to the shack. Legal action should be taken against them. I along with my son Ramadal for giving information was coming to you, but you have met us on the way. Action kindly be taken. The statement is read, heard and the same Sahu above is correct. SD/-”

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The petitioner had initially been granted the concession of bail but on account of miscommunication he did not appear before the Trial Court and was declared a proclaimed offender on 08.12.2022. He was re-arrested on 28.02.2023 after which he continues to remain in custody. As the petitioner was a first-time offender, in custody for more than one year but none of the 10 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

4. On the other hand, the learned State counsel while referring to the reply dated 29.11.2023 contends that the FIR pertains to the year 2016. The petitioner was granted the concession of bail and thereafter became a proclaimed offender. Therefore, his conduct did not entitle him to the grant of bail. He, however, concedes that now the petitioner had been in custody since

28.02.2023, none of the 10 of the prosecution witnesses had been examined so far and that he was a first-time offender.

- 5. I have heard the learned counsel for the parties.
- 6. Admittedly, the petitioner was granted the concession of bail at one stage. Subsequently, he was declared a proclaimed offender but is now in custody since 28.02.2023. None of the 10 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required.
- 7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Buta Singh son of Nahar Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.
- 8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the Trial and in-form in writing each time that he is not involved in any other crime other than the present case.
- 9. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.
- 10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

02.05.2024

JITESH

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