

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

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2024:PHHC:012634

CRM-M-65332-2023

Date of decision: January 30th, 2024

Amarjeet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Neeraj Madaan, Advocate
for the petitioner.

Mr. Mohit Kapoor, Additional Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.19 dated 20.03.2016 under Sections 307, 323, 392, 411, 34 of the IPC registered at Police Station Arniwala, District Fazilka.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case in hand along with co-accused Ranjit Singh alias Harjit Singh for allegedly tying the complainant from his legs and thereafter, throwing him into a canal. Learned counsel has further submitted that on account of the outbreak of the pandemic, he was enlarged on bail and was then falsely implicated in another case, as a result of which he could not surrender back in the Court in time leading to him being declared a proclaimed offender. Learned counsel has furthermore submitted that there is no likelihood of the trial concluding in the near future as none of the prosecution witnesses have been examined so far. A prayer has,

therefore, been made for extending the concession of bail to the petitioner.

3. *Per contra*, learned State counsel has opposed the prayer and submissions made by the counsel opposite. He has placed on record the custody certificate of the petitioner and while drawing the attention of this Court to the custody certificate, it has been submitted that a perusal of the same leaves no manner of doubt that the petitioner is a man of criminal antecedents. It has been further submitted that only seven prosecution witnesses have been cited and the trial, in the circumstances, would not take much time to conclude. Learned State counsel has still further submitted that keeping in mind the fact that the petitioner had absconded and was resultantly, declared a proclaimed offender on 06.12.2021, there is every likelihood that in case he is enlarged on bail, he could once again evade the process of law and be involved in another crime as was discernible from his past conduct. Learned State counsel, on further instructions, has informed the Court that the next date fixed before the trial Court is 06.02.2024.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. *Prima facie*, there are serious allegations against the petitioner of having thrown the complainant into a canal. The petitioner is himself to be blamed for the delay in the conclusion of the trial. The complainant is yet to be examined. Hence, in the above facts and circumstances, this Court is not inclined to extend the concession of bail to him.

6. The instant petition stands dismissed.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

January 30th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No