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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-905-2025
Date of decision:-07.03.2025

HAPPY SINGH @ HARINDER SINGH
... Petitioner
Versus
STATE OF PUNJAB
... Respondent

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

Present:- Mr. Digvijay Nagpal, Advocate for the petitioner.
Mr. Jatinderpal Singh Sr. DAG, Punjab.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed reply by way of an affidavit dated 06.03.2025 of Deputy Superintendent of Police, Sub Division Samana, District Patiala, alongwith custody certificate dated 06.03.2025, the same are taken on record, copies thereof, have been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023(BNSS), for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
89	30.06.2020	379-B IPC (411 and 201 IPC added lateron)	City Samana, District Patiala

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that consequent to his arrest in the case FIR (Annexure P-1) the



petitioner was granted concession of bail and he had been appearing in the trial court and during course thereof, consequent upon his absence from trial on 29.03.2022, he was declared proclaimed offender vide order dated 07.02.2024 (Annexure P-2) and consequently arrested on 10.04.2024, since then he is in custody. He submits that the conclusion of trial will take sufficient long time and the petitioner is presently in custody on account of being declared proclaimed offender in the case. He submits that if granted concession of bail, petitioner will appear regularly in trial without fail, hence prayed for grant of regular bail to the petitioner.

5. *On the other hand*, learned State counsel referring to the reply submitted by the State, has assailed these arguments by submitting petitioner has already misused the concession of bail and as such he is not entitled to bail at this stage and prayed for dismissal of the petition.

6. After considering the rival contentions and perusing the record, it is not disputed that consequent upon his arrest in the FIR (Annexure P-1) petitioner was admitted to regular bail and thereafter he has been regularly appearing in the trial Court. However petitioner absented from proceedings on 29.03.2022 leading to learned trial Court to declare him as proclaimed offender in the case vide order dated 07.02.2024. It is not disputed that the petitioner was arrested in the case on 10.04.2024 and since then he is in custody. Admittedly the petitioner is in custody in the present case solely on account of having absented from the proceedings in the learned trial court. The conclusion of trial to ascertain criminal liability, if any, of the petitioner will take sufficient long time and the petitioner being in custody since 10.04.2024 only on account of having absented in the trial Court and being

declared proclaimed offender as of now, therefore, no purpose would be served by detaining the petitioner any longer in custody.

7. Therefore, in these circumstances, without commenting on the merits of the case, 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.

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

9. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

07.03.2025

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