

2025:PHHC:042493



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

249

CRM M-15787 of 2025

Date of Decision: 27.03.2025

Kulwinder Singh @ Kala

...Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Sparsh Chhibber, Advocate, for the petitioner.

Mr. Deepinder Singh Brar, Sr. DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail in case FIR No.0078 dated 05.04.2019 registered under Sections 341, 323, 324, 506 and 34 of IPC at Police Station Lehra, District Sangrur.

2. Learned counsel for the petitioner contends that the petitioner was wrongly arrayed as accused in the present case and was arrested by the police. However, vide order dated 16.10.2019 (Annexure P-2), the petitioner was ordered to be released on bail. Thereafter, the petitioner was continuously appearing before the trial Court. During the course of trial, the petitioner was wrongly informed by some police official that he had been acquitted by the Court and he

stopped appearing before the trial Court. As a consequence, the petitioner was declared as proclaimed offender on 16.08.2024 vide order (Annexure P-3). Learned counsel further contends that the petitioner was arrested on 08th October 2024 and is in custody since then. He further submits that the maximum sentence, which may be imposed in the present case is three years and the petitioner has already suffered incarceration for a period of 05 months. Learned counsel further contends that the petitioner is ready to appear before the trial Court on each and every date of hearing and shall not remain absent during the trial without prior permission of the Court.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that there are serious allegations against the petitioner and the petitioner is not entitled for the concession of regular bail.

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

5. In the present case, the petitioner is facing trial under Sections 341, 323, 324, 506 and 34 IPC and the maximum sentence provided under the statute is 03 years, whereas, the petitioner has been in custody for almost 05 months. Still further, the petitioner is a first offender and was not involved in any other criminal case.

6. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the

satisfaction of the learned trial Court/Duty Magistrate/CJM concerned subject to the condition that the petitioner shall file an affidavit before the trial Court that he shall appear on each and every date of hearing and shall not remain absent during the trial without prior permission of the Court.

27.03.2025

(N.S.SHEKHAWAT)

amit rana

JUDGE

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