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

CRM-M-51666-2024**Date of Decision: 06.02.2025**

Satwinder Singh alias Binder

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Davinder Pal Soni Jura, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the second petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.123 dated 30.05.2017 registered under Sections 109, 148, 149, 323, 324, 325, 326, 307, 506 of IPC, at Police Station Rama Mandi, District Jalandhar.

2. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case as he was a friend of Aman Singh, co-accused. Aman Singh was a tenant in the shop of Sewa Singh, main accused and a dispute was pending between Sewa Singh and Parveen Jaswal, son of the complainant. Due to the said enmity, the petitioner has also been involved by assigning him a false role. He further contends that the petitioner was earlier granted the concession of bail by this Court on 25.08.2017 and thereafter, he was regularly appearing before the trial Court. However, under some



misunderstanding, he could not appear before the trial Court and was declared as proclaimed offender. Now, the petitioner has been arrested on 10.07.2024 and is in custody since then.

3. On the other hand, status report by way of an affidavit of Assistant Commissioner of Police, Sub-Division Central, Jalandhar has been filed by learned State counsel in Court today and the same is taken on record. Learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner had earlier evaded the process of law and was declared as proclaimed offender. Thus, he may again absent during trial and the trial may be delayed.

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

5. It is not in dispute that the petitioner was earlier granted the concession of bail by this Court, vide order dated 25.08.2017 (Annexure P-3) and thereafter, he was regularly appearing before the trial Court. However, he was declared as proclaimed offender and he was re-arrested on 10.07.2024. Thus, the petitioner is in custody for the last more than 06 months. Even on an earlier occasion, the petitioner has remained in custody for almost 05 months. Now, the material witnesses have been examined and further custody of the petitioner will not serve any meaningful purpose.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty



Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.
- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.
- (iii) The petitioner shall continue to appear before the trial Court on each and every date of hearing and shall not remain absent from the trial Court proceedings, without prior permission of the trial Court.
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.
- (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.
- (vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.
- (vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

06.02.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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