



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

257

CRM-M-63630-2024 (O&M)
Date of Decision:- 24.02.2025

HARINDER KUMAR @ HARINDER YADAV

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Nirmaljeet Singh Sidhu, Advocate for the petitioner.

Mr. Jatinder Pal Singh, Sr. DAG Punjab.

SANJIV BERRY, J. (ORAL)

1. Reply dated 07.02.2025 already filed in the Registry in the form of an affidavit of Superintendent of Police (Operation) GRP Punjab-cum-Supervising Officer, Sub Division GRP, Ferozepur is ordered to be taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. Arguments heard.
3. The instant petition has been preferred by the petitioner under Section 483 Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
01	04.01.2016	25 of the Arms Act	GRP, Abohar District Government Railway Police, District Fazilka, Punjab



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 submits that after having been arrested in case FIR (Annexure P-1), the petitioner was granted the concession of bail and during the course of trial, the petitioner absented from the proceedings on 06.05.2017, leading to him being declared as proclaimed offender vide order dated 10.07.2018. He submits that the absence of the petitioner was not intentional and subsequently the petitioner surrendered before the trial Court on 04.11.2024 and since then he is in custody. He further submits that challan has already been presented in Court, wherein the prosecution has cited 7 witnesses but none has been examined till date. He submits that the petitioner is not having any criminal antecedents, thus, prays for grant of concession of bail to the petitioner.

5. *Per contra*, learned State counsel while referring to the reply filed by the State has opposed the petition on the ground that the petitioner has misused the concession of bail, hence he is not entitled to the concession of bail. He has however, not disputed the factual matrix.

6. After considering the rival contentions and perusing the record, it is not disputed that the after being nominated in present FIR, the petitioner was arrested and subsequently granted regular bail. After the completion of investigation, challan was presented in the Court and during the course of trial, the petitioner absented from the proceedings, leading to him being declared as proclaimed offender vide order dated 10.07.2018. Thereafter, the petitioner surrendered before the trial Court on 04.11.2024 and since



then he is in custody. Even as per the custody certificate supplied by learned State counsel, the petitioner is not having any other criminal case. As stated above, out of 7 witnesses cited by the prosecution, none has been examined till date and the criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

7. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate 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.

(SANJIV BERRY)
JUDGE

24.02.2025
S.Sharma(syr)

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