

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

Crl.Misc.No.M-23222 of 2015(O&M)

Date of Decision : 30.07.2015

Narbir

....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present : Mr.R.S.Kundu, Advocate for the petitioner

Mr. Anmol Malik, AAG, Haryana

MAHESH GROVER, J.

The petitioner prays for grant of regular bail in terms of Section 439 Cr.P.C in case FIR no. 193 dated 19.10.2008 registered under Sections 147, 148, 149, 323, 324, 307, 302 IPC and Sections 25, 54, 59 of Arms Act at Police Station, Khaidki Daula, District Gurgaon.

According to the FIR the role attributed to the petitioner is of catching hold of the deceased while one Mukesh gave knife blow. Petitioner stayed away from the trial for some reasons on account of which he was declared proclaimed offender.

Learned counsel for the petitioner seriously contest this fact to say that no attempt was made to reach him and the order declaring him proclaimed offender was erroneous. He further states that he is in employment and surrendered on his own upon coming to know the proceedings. Mukesh stands convicted and has filed appeal and has already been enlarged on bail. Similarly other persons have also been enlarged on bail.

In the considered view of this Court since investigation is complete and the charge framed and the trial qua the other co-accused stands concluded, no useful purpose would be served by keeping the petitioner in custody. Hence, instant petition is allowed. It is directed that the petitioner be released on bail in terms of Section 439 Cr.P.C. Bail to the satisfaction of learned Trial Court subject to his furnishing heavy surety so as to obviate the chances of any future default by him. Trial Court is also free to impose any other conditions including restriction on travelling abroad that it may deem fit in the given set of circumstances.

Nothing said herein shall be construed to be an expression on the merits of the case.

July 30, 2015
rekha

(Mahesh Grover)
Judge