

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

CRM-M-41731-2015

Date of decision: 15.12.2015

Suraj Bhan @ Bhera

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Bipan Ghai, Senior Advocate with
Mr. Vishavjit S. Virk, Advocate
for the petitioner.

Mr. Manoj Kumar Sangwan, DAG, Haryana.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.163 dated 12.06.2006 under Sections 148, 302, 307, 449, 149, 120-B, 216 IPC, registered at Police Station Sadar, District Rohtak.

Learned Senior Counsel for the petitioner submits that vide order dated 13.07.2009 (Annexure P-2), petitioner was granted the bail pending trial by the Hon'ble Supreme Court. Thereafter, petitioner came to be convicted and in his appeal bearing CrI. Appeal D-1191-DB of 2011, matter has been remanded back by order dated 24.08.2015 passed by Division Bench of this Court at Annexure P-3. Thereafter, it is the first bail petition before this Court because the learned trial Court has declined the prayer for bail by the petitioner vide order dated 06.11.2015 (Annexure P-4). Learned Senior Counsel for the petitioner also refers to the observations made by the Hon'ble Division Bench of this Court in the operative part of the

order dated 24.08.2015 at page 48 of the paper book, to contend that since it will be a re-trial, conclusion thereof will take some time and the petitioner is entitled for bail pending trial. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Suresh Kumar, Police Station Sadar Rohtak, submits that since the allegations against the petitioner were direct and serious, he is not entitled for bail pending trial. He also submits that in the present case, four murders have taken place. Three co-accused of the petitioner were declared proclaimed offender. He prays for dismissal of the present petition.

After hearing the learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that keeping in view the totality of facts and circumstances of the case noticed hereinabove, petitioner has been found entitled for bail pending trial. It is so said because it is a matter of record that the Hon'ble Supreme Court granted him the concession of bail pending trial vide order dated 13.07.2009 (Annexure P-2). Thereafter, the Hon'ble Division Bench of this Court in its remand order dated 24.08.2015 at page 48 of the paper book, observed that in case the bail application is filed by the petitioner, the learned trial Court shall consider the same in accordance with law. However, the bail application moved by the petitioner has been dismissed by the learned trial Court. It is also not in dispute before this Court that after the order dated 24.08.2015 passed by this Court, it would be almost a fresh trial, which will take some time.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the case of either side at a later

point of time, instant petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

15.12.2015
vishnu