

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

CRM-M-24607 of 2017.

Decided on:-21.07.2017.

Riyasat.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Saurabh Sharma, Advocate for
Mr. Saleem Ahmed, Advocate for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J. (ORAL)

Through the instant petition filed under Section 439 Cr.P.C., the petitioner has prayed for grant of regular bail in case FIR No.46 dated 07.02.2006 under Sections 323, 324, 506 and 307 read with Section 34 IPC registered at Police Station Punhana, District Nuh.

Learned counsel for the petitioner submits that in the aforesaid FIR, the police had conducted investigation and the petitioner was found innocent. However, it was on the basis of an application moved on behalf of the prosecution under Section 319 Cr.PC, the petitioner was summoned to face trial. He was not in the knowledge of summoning made on the basis of application under Section 319 Cr.PC and therefore could not appear before the trial Court for which proceedings under Section 82 Cr.PC were initiated against him and he was declared a proclaimed offender. However, in pursuance to the said proceedings, he has already surrendered before the trial Court and it is in these circumstances, he is in custody since 04.04.2017.

Learned State counsel, on the other hand, states that though the petitioner has been summoned to face trial under Section 319 Cr.PC, but it does not make any difference and he could be tried together with other co-accused.

I have heard learned counsel for the parties.

There is no dispute that when investigation was conducted by the police in the FIR in question, the petitioner was found innocent and it is only thereafter, he was summoned on the basis of application under Section 319 Cr.PC. The petitioner has already surrendered before the trial Court and he is in custody since 04.04.2017. It has also been brought to the notice of this Court that the other co-accused of the petitioner have been acquitted by the trial Court.

Be that as it may, considering the fact that the petitioner is in custody since 04.04.2017 and has shown his inclination to face the trial, the present petition is allowed and the petitioner is ordered to be admitted on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(HARI PAL VERMA)
JUDGE

July 21, 2017
Yag Dutt

Whether speaking/reasoned: Yes

Whether Reportable: No