

In the High Court of Punjab and Haryana at Chandigarh

Criminal Misc. No. M-29617 of 2017

Date of Decision: 31.8.2017

Dharmender

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Vikram Singh, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J. (ORAL)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No. 725 dated 02.6.2011, under Section 148, 149, 307, 395, 397, 447, 511, 216 of the Indian Penal Code, registered at Police Station City Panipat, District Panipat.

Learned counsel for the petitioner submits that vide judgment dated 13.8.2013, the other co-accused namely Sonu, Satyawar, Paramjit, Sukhbir alias Sukha, Rajender and Jitender have already been acquitted of the charges as there was no evidence on record which may prove their implication in the case. He has further argued that in the present FIR, the petitioner was declared a proclaimed offender and an FIR under Section 174-A IPC was also registered against him in which he has already completed his sentence. Now the petitioner is in custody since 15.4.2017.

In the absence of any cogent evidence and more particularly when the other

co-accused have been acquitted by the trial Court, there is every possibility

that the petitioner may also be acquitted. The petitioner is ready to face the trial, in accordance with law.

On the other hand, learned State counsel on instructions from ASI Dilbagh Singh has argued that the conduct of the petitioner does not warrant him to be admitted on regular bail for the reasons that firstly he remained a proclaimed offender and secondly, the order of acquittal of other co-accused was passed on 13.8.2013 and in spite of this the petitioner did not surrender and was eventually arrested on 15.4.2017.

I have heard learned counsel for the parties.

There is no dispute that for the offence of being a proclaimed offender, the petitioner has already been convicted and has completed the sentence and now he is in custody since 15.4.2017. He has shown his inclination to face trial irrespective of the fact that the other co-accused have been acquitted by the trial Court.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of the trial Court.

However, it is made clear that the observations made hereinabove shall not be construed as any expression on the merits of the case.

(HARI PAL VERMA)
JUDGE

August 31, 2017
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No