

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31270-2018

Date of decision: 31.07.2018

Khushi Ram

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Ms. Harpreet Kaur, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.106 dated 19.05.2003 under Section 392 IPC, registered at Police Station Indri, District Karnal.

Learned counsel for the petitioner submits that the petitioner was granted regular bail by the trial Court, however, later on, on account of meeting with an accident, the petitioner could not appear before the trial Court and after declaring him a proclaimed offender, he was re-arrested. Counsel for the petitioner further submits that co-accused of the petitioner namely Sukhwinder @ Sukha, who has faced the trial in the intervening period, stands acquitted by the trial Court. It is further submitted that after his re-arrest, the petitioner has undergone 05 months and 19 days of judicial custody and is on bail in other FIRs.

Learned State counsel has filed the custody certificate dated 30.07.2018 and has not disputed the fact that the petitioner is in judicial custody for the last 05 months and 19 days and is on bail in four other FIRs, however, on instructions from SI Bakta Singh, has opposed the prayer for bail on the ground that the petitioner remained a proclaimed offender for considerable long time and there is an apprehension that he may flee from the Court proceedings if he is granted bail.

Without commenting anything on merits of the case, considering the fact that the petitioner was earlier granted regular bail and was facing the trial, when he was declared a proclaimed offender; his co-accused already stands acquitted after facing the trial; petitioner is on bail in other FIRs and also in view of the fact that the petitioner is in judicial custody for the last 05 months and 19 days, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail bonds with two sureties to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

31.07.2018
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No