

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-48526-2017
Date of decision: 24.01.2018

Ashok Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.S. Brar, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.42 dated 12.02.2002 under Sections 379, 411, 420, 467, 468, 471 IPC, registered at Police Station Sadar Bahadurgarh, District Jhajjar.

Learned counsel for the petitioner submits that the petitioner was on bail, however, he has been arrested in connection with FIR No.100 dated 21.06.2004 and was acquitted. Counsel for the petitioner further submits that the petitioner could not get the proper information about this case, as counsel representing him before the trial Court has died. Counsel for the petitioner also submits that the petitioner was declared as proclaimed offender on 24.05.2005. It is further submitted that one of the co-accused of petitioner namely Vijay Kumar faced the trial and was acquitted by the Sub Divisional Judicial Magistrate, Bahadurgarh vide judgment dated 28.08.2010 and the petitioner, on coming to know about pendency of the case, has surrendered before the trial

Court on 06.09.2017 and is facing the trial. Counsel for the petitioner has submitted that in aforesaid FIR No.100, the petitioner has already been acquitted by the Chief Judicial Magistrate, Jhajjar vide judgment dated 11.01.2016 and in another FIR No.91 dated 03.03.2002, wherein he was declared as proclaimed offender, has been granted the concession of regular bail vide order dated 10.01.2018 passed by this Court in CRM-M-48335-2017.

Learned State counsel, on instructions from HC Sudhir Pal, has however opposed the prayer for bail on the ground that the petitioner was arrested after a long delay of more than 12 years and he has avoided the prosecution in this FIR.

Without commenting on merits of the case, considering the fact that co-accused of the petitioner Vijay Kumar has been acquitted in the present FIR; petitioner has been granted the concession of regular bail in FIR No.91 by this Court vide order dated 10.01.2018; petitioner has also been acquitted in FIR No.100 and also in view of the fact that the petitioner is in judicial lockup since 06.09.2017 and conclusion of the trial will take long time, this petition is allowed and the petitioner is directed to be released on bail subject to furnishing his bail bonds and heavy surety to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate subject to imposition of appropriate and stringent terms and conditions.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

24.01.2018

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No