

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

CRM-M No.2296 of 2019

Date of Decision: 25.02.2019

Shammi Kumar

....Petitioner

Versus

The State of Haryana

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Karan Pathak, Advocate
for the petitioner.

Mr. Chetan Sharma, A.A.G., Haryana.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed by accused petitioner, namely, Shammi Kumar under Section 439 Cr.P.C for grant of regular bail to him in case FIR No.60 dated 05.02.2016 registered under Sections 420/467/471/120-B IPC at Police Station Civil Lines, Gurugram, District Gurugram.

Learned counsel for the petitioner submits that the co-accused of the petitioner namely Anil Kumar has already been released on regular bail vide order dated 14.12.2018 passed in **CRM-M No.22590 of 2018**. The petitioner was earlier declared as a proclaimed offender and subsequently, he was arrested and now he is having custody of approximately ten months.

Learned State counsel has not disputed the custody period and release of co-accused on regular bail but he has opposed the bail of the petitioner on the ground that he remained as a proclaimed offender and thereafter, he did not surrender but was arrested and hence, he does not deserve the concession of regular bail and cannot claim parity with co-accused.

Heard the arguments of learned counsel for the parties and have also perused the contents of the FIR as well as other documents available on the file including the order passed in the case of co-accused.

By considering the custody of the petitioner, which is approximately ten months after arrest and also the fact that co-accused has been released on regular bail; the allegations are the same against the petitioner as well co-accused; the complainant has been examined and there is no possibility that the petitioner may influence him or tamper with the evidence; the trial may take some time to conclude and no useful purpose would be served by keeping him behind bars, the present petition is allowed and petitioner, namely, Shammi Kumar is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

(DAYA CHAUDHARY)
JUDGE

25.02.2019
gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No