

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

CRM-M No.4029 of 2019

Date of Decision: 06.02.2019

JahulPetitioner

Versus

State of HaryanaRespondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Rajesh Lamba, Advocate
for the petitioner.

Mr. Rajesh K. Sheoran, Addl. A.G., Haryana.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to petitioner, namely, Jahul in case FIR No.179 dated 24.11.2017 registered under Sections 307, 420, 201/34 IPC and Section 25 of the Arms Act, 1959 at Police Station Ferozepur Jhirka, District Mewat.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case. Co-accused of the petitioner, namely, Khalil, who was caught at the spot was tried by the trial Court and he has been acquitted vide judgment of trial Court dated 01.04.2009. Similarly, other co-accused, namely, Karar was also acquitted by the trial Court vide judgment dated 05.07.2011. Learned counsel also submits that the evidence against the petitioner is also same, on the basis of which, co-accused have been acquitted of the charges. The petitioner is in custody since 07.09.2018.

Learned counsel for the petitioner also submits that the petitioner has undertaken to pay some amount as cost as he remained proclaimed offender for a longer period.

Learned State counsel has not disputed the custody period and acquittal of co-accused. However, he has opposed the bail of the petitioner on the ground that he remained as a proclaimed offender for a period of ten years.

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.

Admittedly, two co-accused of the petitioner have been acquitted by the trial Court vide judgments dated 01.04.2009 and 05.07.2011 and same allegations are there against the petitioner. It is also not disputed that the petitioner remained as a proclaimed offender for a period of ten years and he has filed the present petition on the ground that co-accused have been acquitted of the charges and he is in custody since 07.09.2018.

Admitted, the present petitioner has not faced trial along with co-accused as he remained proclaimed offender for a long period but they have been acquitted and it would be a fresh trial now qua to present petitioner.

Accordingly, by considering that the petitioner remained proclaimed offender for a period of ten years and it would be fresh trial and unnecessarily the precious time of the Court would be wasted in trial of the petitioner; role of the petitioner is par with co-accused who have been acquitted of the charges, the present petition is allowed and petitioner,

namely, Jahul is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court subject to his deposit of an amount of Rs.10,000/- as cost before the trial Court.

However, it is made clear that the petitioner will appear on each and every date before the trial Court and will not remain absent and will abide by all terms and conditions to be imposed by the trial Court.

It is also made clear that the petitioner will be released on bail only on deposit of the said amount.

06.02.2019
gurpreet

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No