

215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24017-2019

Date of decision-14.10.2019

Ramphal @ Ishwar

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Kuldeep Khandelwal, Advocate for the petitioner.

Mr. Sanjay Kumar Saini, AAG, Haryana.

MANOJ BAJAJ, J.

Petitioner-Ramphal @ Ishwar has prayed for grant of regular bail under Section 439 Cr.P.C in case FIR No.106 dated 17.05.2003 registered under Sections 395 and 397 of Indian Penal Code, 1860 at Police Station Sadar Hansi, District Hisar.

Learned counsel for the petitioner contends that the FIR was lodged after a delay of three days and a common case was set up against the petitioner and his co-accused. According to him, initially allegations levelled were of theft of the vehicle, however, the FIR was registered for the offences punishable under Sections 395 and 397 IPC. It is pointed out that the complainant was not present at the spot. As per allegations, his vehicle was driven away by five persons as the keys were lying inserted in the ignition. It is further contended that the co-accused of the petitioner have already been acquitted vide judgment dated 09.03.2007. However, as the petitioner who was declared proclaimed offender was arrested on 16.10.2018, his further

custody may not be justified.

On the other hand, learned State counsel assisted by ASI Murari Lal opposed the bail application on the ground that the petitioner was declared proclaimed offender, however, it is not disputed that the other co-accused of the petitioner have been acquitted.

After hearing learned counsel for the parties, this Court finds that the trial of the case is likely to consume considerable time and keeping in view the custodial period of the petiitoner, further custody may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Hisar.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

14.10.2019
vanita

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