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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.15386 of 2020

Date of Decision: 01.09.2020

JASMERPetitioner
Vs
STATE OF HARYANARespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. J.S. Dahiya, Advocate for the petitioner.

Mr. Rajat Gautam, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.53 dated 25.03.2014, registered under Section 195-A IPC at Police Station Israna, District Panipat.

Allegations are that the petitioner was granted interim bail for 15 days in a murder case i.e. in FIR No.148 dated 28.06.2013 registered under Sections 148, 149, 302, 120-B IPC at Police Station Israna. During those 15 days, the allegations are that the petitioner gave threat by bringing 15-20 cars in front of house of the complainant. He was found sitting in the first car and exhorted that one brother was killed and if the complainant

deposes on the date fixed, then the other brother will also be killed.

Learned counsel for the petitioner submitted that in the aforesaid FIR, challan has been presented, but charges have not been framed. In FIR No.148 dated 28.06.2013 registered under Sections 148, 149, 302, 120-B IPC at Police Station Israna, the petitioner has already been convicted and sentenced to undergo life imprisonment vide judgment/order dated 07.10.2016. On registration of present FIR, the petitioner did not surrender before the Jail Authorities and was ultimately declared as a proclaimed offender on 06.08.2015. The petitioner was arrested on 02.11.2015. From the date of his arrest i.e. on 02.11.2015 till 07.10.2016, his custody was of 11 months and 15 days.

Learned counsel further submitted that petitioner has availed concession of furlough for 21 days from 04.12.2019 to 26.12.2019 even after registration of present FIR. Now despite sanctioning of furlough/parole the same is not being allowed to the petitioner on the ground of pendency of the present trial.

Learned State counsel on instructions from SI Krishan Kumar submitted that the petitioner remained absconder for a quite long time and he was arrested only on 02.11.2015. The punishment under Section 195-A IPC can be extended upto 7

years or with fine or both.

Having heard learned counsel for the parties, I am of the view that trial of the case may take sufficient time in its culmination. Petitioner has already undergone 11 months and 15 days in the present case. The witnesses had already been examined in FIR No.148 dated 28.06.2013, resulted in conviction of the petitioner. The complicity of the petitioner in the present case would be debatable and would be dependent upon scrutiny of evidence to be led by the parties at trial.

Looking to the aforesaid facts and in view of the situation arising out due to COVID-19 pandemic and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing heavy bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

September 01, 2020

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Whether speaking/reasoned Yes/No

Whether reportable Yes/No