

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37305-2020

DATE OF DECISION: NOVEMBER 17, 2020

JUBER

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. VIRENDRA RANA, ADVOCATE
FOR THE PETITIONER.

KANWAR SANJIV KUMAR, AAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.118 dated 24.3.2011, under Section 380, 457 IPC (Section 380, 457 IPC deleted and Section 395 IPC added, later on). The petitioner is in custody since his arrest on 15.8.2020.

The FIR was registered on the statement of Shankar Lal, who stated that he was Committee Member of Shri Krishan Gaushala Muthoon Kalan Khurd. On 23/24.3.2011, chowkidar Satish and Prahlad came to his house and informed that some unknown persons took away 23 cows and 2 oxen in two canters from the Gaushala. On the basis of above allegations, the case was registered for commission of offence of theft, etc.

Learned counsel for the petitioner contends that on the statement of co-accused Tahir, the petitioner was indicted as an accused in the above FIR and was later on declared as Proclaimed Offender vide order dated 21.5.2012. He submits that the petitioner was not even aware of the case proceedings wherein his co-accused were acquitted through judgement dated 21.1.2015 (Annexure P-1). He submits that the prosecution has set up

a common case against all the accused persons and therefore, further custody of the petitioner may not be necessary as the investigation qua him is also complete. He prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned counsel for the State assisted by SI Rajaram has opposed the aforesaid prayer on the ground that the petitioner remained Proclaimed Offender for a long time. However, it is not disputed by him that the other co-accused of the petitioner have been acquitted through judgement dated 21.1.2015. He, on instructions, further states that the final report has been filed on 6.11.2020 against the petitioner, however, the charges are yet to be framed.

After hearing learned counsel for the parties, this Court finds that the investigation of the case is complete, but the trial is yet to commence. This Court is cognizant of the fact that the outbreak of global pandemic COVID-19 in the region may further delay the conclusion of trial. Admittedly, the petitioner is presently confined in judicial custody 15.8.2020 and his further detention may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

November 17, 2020

Gulati

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No

(MANOJ BAJAJ)
JUDGE