

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

205

CRM-M-50551-2019

Date of decision: 12.06.2020

Harminder Singh @ Harminder Masih @ HarminderPetitioner

Versus

Roop LalRespondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Rajiv Joshi, Advocate for the petitioner.

ARUN KUMAR TYAGI, J (ORAL)

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

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of regular bail in Complaint Case bearing No.COMI 2189/2013 titled as "Roop Lal Vs. Ashok Kumar and others" under Sections 380/497/498/506/120-B/109 of the Indian Penal Code, 1860 (for short, "IPC") pending in the Court of Judicial Magistrate 1st Class, Phillaur.

The above said complaint was filed on the averments that marriage between the complainant and accused No.6 was solemnized on 23.11.2010 and three children were born out of the wedlock. Due to illicit relations between accused No.6 and accused No.1 relations between the complainant and accused No.1 to 5 were strained. Accused No.6 eloped with accused No.1 and took his passport, Green Card, Rs.20,000/-, one wrist watch, one mobile Nokia and 250 Euro with her. Accused Nos.2 to 5 also conspired with them in commission of the offence of theft and played vital role in accused No.1 eloping

with accused No.6. The petitioner absented during trial and was declared proclaimed person vide order dated 05.07.2014. The trial proceeded against remaining accused persons who all except accused No.1 were acquitted by the trial Court vide judgment dated 26.09.2016 while accused No.1 was convicted by the trial Court vide judgment of conviction and order of sentence both dated 26.09.2016 but acquitted by the appellate Court vide judgment dated 12.12.2017.

The petitioner, who was arrested on 02.02.2018 and is in custody since the date of his arrest, has filed the present petition for grant of regular bail.

Notice of the petition was issued to the respondent-complainant. As per office report, notice of the respondent-complainant has been received through e-mail with the report of refusal. Print out of the report is taken on record.

I have heard learned counsel for the petitioner and gone through the relevant record.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. There is no specific allegation against the petitioner. The petitioner was not personally served with summons and was declared proclaimed person in breach of the prescribed procedure. The petitioner is ready to comply with the terms and conditions regarding his appearance before the Court and no useful purpose will be served by his further detention in custody. Therefore, the petitioner may be granted regular bail.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner, the factum of

the acquittal of the co-accused in the case and the fact that the trial is likely to take long time but without meaning to comment on merits, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on bail on furnishing of personal bond with bond of one surety to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

12.06.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No