

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2218-2021

Date of decision: - 16.02.2021

Neeraj

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Chankya Pandit, Advocate
for the petitioner.

Mr. Sharad Aggarwal, AAG, Haryana.
(keeping in view the advance copy given).

HARSIMRAN SINGH SETHI, J. (ORAL)

Present third petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.56 dated 12.03.2012, under Sections 148, 149, 323, 324, 506, 307 and 120-B of the IPC, registered at Police Station Taraori, District Karnal.

Learned counsel appearing for the petitioner submits that the petitioner is behind bars since 07.08.2019. Learned counsel further submits that co-accused of the petitioner, who have already been convicted in the said FIR, have already been granted the benefit of suspension of sentence and are on bail and no accused has spent more than 11 months behind bars as of now.

Learned counsel for the petitioner further submits that

though, non-joining of the investigation at the time of registration of the FIR is attributable to the petitioner, but on the basis of the said fact petitioner cannot be denied the concession of bail especially in view of the fact that convicted co-accused are already on bail, hence, the petitioner is entitled for the said benefit.

Learned State counsel argues that the petitioner kept on running away from law for a period of about seven years after the registration of FIR and it was only in the year 2019 that the petitioner was arrested. Not only this, there is another FIR, which has been registered against the petitioner, being FIR No.411 of 2015, under Sections 323 and 506 of IPC, registered at Police Station Taraori, District Karnal, wherein also, he was declared proclaimed offender. Learned State counsel further argues that it is most likely that the petitioner will abscond from law in case he is granted the bail. Learned State counsel concedes that co-accused of the petitioner, who have been convicted in the FIR, are already on bail.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

No doubt, the petitioner has to pay for running away from the law for a period of seven years and he has already paid enough price for the said act by remaining behind the bars for a period of 1½ years. Once, co-accused of the petitioner, who have already been convicted, have already been granted the benefit of bail and the status of the trial in respect of the petitioner is that the prosecution witnesses are yet to be examined and the trial is likely to take some time before the same

concludes, hence, no useful purpose will be served in keeping the petitioner behind the bars during the trial.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, if not required to be detained in any other case, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence trial in any manner including influencing the witnesses and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

February 16, 2021
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No