

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15418 of 2021
Date of decision: 09.04.2021

Pawan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. Priyavrat Parashar, Advocate for the petitioner.

Ms. Rajni Gupta, Addl. A.G. Haryana.

Harsimran Singh Sethi, J. (Oral)

This is the fourth petition filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.45 dated 08.03.2016 under Sections 148, 149, 395, 436 and 506 of IPC registered at Police Station Kalayat, District Kaithal.

Learned counsel for the petitioner submits that the co-accused of the petitioner have already been discharged by the competent Court of law and the petitioner is in custody since 10.05.2020 and the charges against the petitioner have already been framed. Learned counsel for the petitioner further submits that the trial is likely to take some time before it concludes and no useful purpose will be served by keeping the petitioner behind the bars and, therefore, he be granted the benefit of regular bail.

Ms. Rajni Gupta, Addl. A.G. Haryana, who has joined the

proceedings through video conference, keeping in view the service of advance copy of the petition submits that the conduct of the petitioner is such that he evaded the proceedings by not joining for a period of four years and was only arrested on 10.05.2020 and that too after being declared as proclaimed offender and, therefore, keeping in view the conduct of the petitioner and also the fact that the other cases are also pending against the petitioner, he may not be granted the benefit of regular bail.

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

No doubt, the conduct of the petitioner is not appreciable in not joining the proceedings for a period of four years after the registration of an FIR but, keeping in view the fact that he is already behind the bars for last approximately one year and that the co-accused of the petitioner have already been discharged by the competent Court of law and the trial is likely to take some time before it concludes, no useful purpose will be served by keeping the petitioner behind the bars when he is on bail in other cases especially, when learned counsel for the petitioner undertakes that the petitioner will not obstruct the trial in any manner or influence the witnesses, whose statement is yet to be recorded and will conduct himself in accordance with law and will assist in all the possible manner to conclude the trial at the earliest and in case of default of the above undertaking, the State or complainant will be at liberty to approach this Court for passing appropriate orders.

Keeping in view the above, learned counsel for the petitioner has made out a case for grant of regular bail.

Without commenting upon the merits of the case, it is directed

that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

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.

April 09, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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