

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15411 of 2021
Date of decision: 20.04.2021

Kuldeep

...Petitioner

Versus

State of Haryana

...Respondent

(Through Video Conferencing)

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 third 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 argues that the petitioner is in custody since 10.05.2020 and the co-accused namely, Pawan against whom similar allegations have been alleged, has already been granted the benefit of regular bail by this Court vide order dated 09.04.2021 passed in CRM-M-15418 of 2021. Learned counsel for the petitioner submits that the petitioner be granted the benefit of regular bail keeping in view the parity between the petitioner and the co-accused Pawan.

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 though, the co-accused namely, Pawan against whom the allegations are similar in nature has been granted the benefit of regular bail but, the petitioner was initially declared as proclaimed offender and evaded arrest for the period of approximately three years before he was arrested. Learned State counsel further submits that keeping in view the conduct of the petitioner, he be not granted the benefit of regular bail.

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

Once, a co-accused namely, Pawan has been granted the benefit of regular bail and it is conceded that the allegations against the petitioner and the said co-accused are identical, the benefit of regular bail cannot be denied unless and until any differentiating fact is brought to the notice of this Court by the learned State counsel so as to deny the petitioner the benefit, which has already been granted to the co-accused Pawan. In respect of the argument that the petitioner was declared proclaimed offender and evaded arrest for a period of three years, the same was the fact in the case of co-accused Pawan, who did not join the proceedings for a period of four years after the registration of an FIR.

Petitioner is behind the bars from last approximately one year after being arrested and 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 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

maintain a good behavior while on bail 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 20, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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