

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(211)

CRM-M-43301-2021

Date of Decision : October 27, 2021

Jora Singh

.. Petitioner

Versus

State of Haryana and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Mr. Karan Garg, Assistant Advocate General, Haryana.

Mr. Neeraj Goel, Advocate, for respondent No.2.
(keeping in view the advance copy given).

HARSIMRAN SINGH SETHI J. (ORAL)

Present petition has been 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 registered under Sections 148, 149, 395, 436 and 506 of the Indian Penal Code, 1860 at Police Station Kalayat, Kaithal, Haryana.

Learned counsel for the petitioner submits that though, the petitioner was declared a proclaimed offender on an earlier occasion and during the said period, the other co-accused were discharged but the prayer of the petitioner for the grant of regular bail upon his joining the proceedings, has been declined by the Courts below only on the ground that the petitioner did not join the proceedings for a period of four years after being declared proclaimed offender. Learned counsel for the petitioner

further submits that similarly situated co-accused Kuldeep as well as Pawan,

who were also declared proclaimed offenders but after they joined the proceedings, have already been extended the benefit of regular bail by this Court while passing order in CRM-M-15411-2021 on 20.04.2021 and in CRM-M-15418-2021 on 09.04.2021 respectively. Learned counsel for the petitioner further submits that in the present case, the parties have already compromised their dispute and therefore, keeping in view the said fact, the petitioner be extended the benefit of regular bail.

Notice of motion.

Mr. Karan Garg, learned Assistant Advocate General, Haryana, who is present in the Court, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State and Mr. Neeraj Goel, Advocate, who is also present in the Court, accepts notice on behalf of respondent No.2-complainant.

Learned counsel for the respondent-State submits that though, the petitioner has joined the proceedings but the conduct of the petitioner itself should be good enough to decline the relief for the grant of regular bail as the petitioner has delayed the finalization of the proceedings.

Learned counsel for the complainant-respondent No.2 concedes the factum of compromise between the parties.

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

Though, at the outset, it is stated the the conduct of the petitioner in not joining the proceedings and being declared proclaimed offender is deplorable but now, once the petitioner has joined the proceedings and the parties have already compromised their dispute and some of the similarly situated co-accused have already been granted the

benefit of regular bail, there is no ground to deny the said concession to the petitioner on the basis of parity.

Keeping in view the facts and circumstances of the present case, the petitioner has made out a case for the grant of regular bail.

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, 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.

October 27, 2021

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No