

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

**CRM-M-26801-2021**

**Date of decision: 17.02.2022**

Jitender Singh alias Gora

...Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present:- Mr. Ravinder Malik (Ravi), Advocate,  
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

**HARNARESH SINGH GILL, J. (ORAL)**

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.191 dated 01.05.2016, registered at Police Station Pehowa, District Kurukshetra, under Sections 148, 149, 180, 323, 302, 427, 506, 34 and 120-B IPC and Section 25 of the Arms Act, 1959.

Reply dated 11.02.2022, by way of affidavit of the Deputy Superintendent of Police, Pehowa, filed in the Registry, is taken on record.

Learned counsel for the petitioner contends that earlier, the petitioner was granted regular bail by the trial Court and had regularly been appearing before the trial Court; that the petitioner had gone Germany to look after his ailing father; that owing to Covid-19, he could not return India, following which he could not appear before the trial Court and was ultimately declared a proclaimed offender, and that after his return in April, 2021, the petitioner promptly surrendered before the trial Court.

Learned counsel for the petitioner further contends that complainant-Lovedeep Singh, while appearing before the trial Court as PW 6, has failed to identify the accused persons; that even the other material witnesses have not stated that the petitioner was involved in the commission of crime; that the petitioner has been in custody since 29.04.2021, and that proceedings before the trial Court, qua the present FIR, have been stayed by a Coordinate Bench in a petition i.e. CRM-M-7278-2019, preferred by co-accused Lakhwinder Singh. On this premise, learned counsel for the petitioner prays for the grant of bail to the petitioner.

On the other hand, learned State counsel, while opposing the aforesaid submissions made by the learned counsel for the petitioner, submits that the petitioner had actively participated in the crime. However, he does not dispute the fact that the complainant and other material witnesses have not supported the prosecution case. He further submits that as per the reply dated 11.02.2022, case before the trial Court is fixed for recording the statements of accused under Section 313 Cr.P.C.

I have heard the learned counsel for the parties.

At one point of time, the petitioner was granted the concession of regular bail. As stated above, the petitioner absented himself from the Court proceedings and ultimately was declared a proclaimed offender. However, the petitioner surrendered in the Court on 29.04.2021 and since then, he has been in custody. Moreover, proceedings before the trial Court, qua the present FIR, stands stayed by a Coordinate Bench in a petition i.e. CRM-M-7278-2019, filed by co-accused Lakhwinder Singh.

In such circumstances, trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

**17.02.2022**

parveen kumar

**(HARNARESH SINGH GILL)**  
**JUDGE**

Whether reasoned/speaking?  
Whether reportable?

Yes/No  
Yes/No