

**CRM-M-32655-2021**

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

**CRM-M-32655-2021  
Date of decision: 19.04.2022**

Vikas

...Petitioner

Versus

State of Haryana

.....Respondent

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

Present:- Mr. Akshay Kumar Dahiya, Advocate,  
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

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

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.93 dated 27.06.2011, registered at Police Station Baroda, Sonapat, under Sections 302, 120-B and 34 IPC.

Learned counsel for the petitioner submits that the petitioner was declared a proclaimed offender, vide order dated 12.11.2011 passed by the learned Judicial Magistrate Ist Class, Gohana; that the petitioner was available at his residential address and he had no knowledge about the registration of the FIR or the order dated 12.11.2011, declaring him a proclaimed offender; that the petitioner was arrested on 13.06.2020 and since then, he has been in custody; that co-accused, namely, Pardeep alias Joni was acquitted by the trial Court, vide judgment dated 27.01.2014; that complainant-Virender (PW 4) while appearing before the trial Court on 15.04.2021, did not support the prosecution version and was declared

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hostile; that moreover, injured-Pardeep Kumar is not available in the village for recording his deposition before the trial Court; that out of 27 prosecution witnesses, 13 witnesses have already been examined, and that so far as other three cases registered against the petitioner, are concerned, he has already undergone the sentence in one case while is on bail in two other cases.

On the other hand, learned State counsel, while opposing the submissions of the learned counsel for the petitioner, submits that the petitioner was apprehended after a period of more than 09 years. However, he does not dispute the fact that the aforesaid co-accused stands acquitted by the trial Court and that the complainant (PW 4) while appearing before the trial Court on 15.04.2021, did not support the prosecution version and was declared hostile.

I have heard the learned counsel for the parties.

As stated above, the complainant (PW 4) while appearing before the trial Court on 15.04.2021, did not support the prosecution version and was declared hostile. Moreover, co-accused, namely, Pardeep alias Joni stands acquitted by the trial Court. The petitioner has been in custody since 13.06.2020. There are as many as 14 prosecution witnesses, yet to be examined. Trial of the case would take time to conclude. 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

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furnishing bail and surety bonds to the satisfaction of the learned trial  
Court/Duty Magistrate.

**19.04.2022**

parveen kumar

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

Whether reasoned/speaking?  
Whether reportable?

Yes/No  
Yes/No