

In the High Court of Punjab and Haryana at Chandigarh

207

CRM-M-36391-2022 (O & M)
Date of Decision: August 24, 2022

WAHEED ALIAS PATWARI

....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Rajesh Lamba, Advocate for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking regular bail in FIR No.352 dated 25.08.2013, under Sections 302 and 34 IPC, registered at Police Station Pataudi, District Gurgaon (Gurugram).

Learned counsel for the petitioner contends that it is alleged that the petitioner along with other accused was travelling in Tata pick up, which had hit the deceased on his head, who was travelling on a motorcycle. He submits that similarly situated co-accused Hasam, Khalid and Tahir have been acquitted at the conclusion of the trial. The petitioner was not aware of the proceedings and had been declared as proclaimed offender. He is in custody for over 03 years.

Learned State counsel states that the petitioner is in custody for over 03 years since his arrest on 10.06.2019. He upon instructions from SI Joginder Singh states that 03 out of 32 prosecution witnesses have been examined. He also states that in view of the petitioner having remained proclaimed offender, he is not entitled to the concession of regular bail.

Heard.

In view of the above, especially when the petitioner is in custody for over 03 years, co-accused have been acquitted and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

August 24, 2022
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No