

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-53375-2021 (O&M)
Date of decision: 05.01.2022

Brij Bhushan Kaul @ Rajender Pal

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Pankaj Bali, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.77 dated 10.05.2005 under Sections 406, 420, 483 IPC, registered at Police Station Sector-20, Panchkula.

Learned counsel for the petitioner submits that the petitioner along with his son/co-accused Varun Kaul were facing trial, however, the petitioner absented from the Court proceedings and he was declared a proclaimed offender on 21.11.2011. It is further submitted that in the meantime, co-accused Varun Kaul, son of the petitioner, faced full length trial and he was acquitted by the trial Court vide judgment dated 20.11.2019, holding that charge under Section 406 IPC is not made out from the prosecution evidence. It is also submitted that evidence against the petitioner is on similar footings and the

prosecution cannot produce any better evidence, even if the petitioner faces the trial. Learned counsel further submits that the petitioner was arrested in this case on 17.06.2021 and since then, he is in custody.

Learned State counsel has not disputed the factual position, including the fact that co-accused Varun Kaul already stands acquitted, however, it is submitted that the petitioner was arrested in some other case and was lodged in Tihar Jail. It is further submitted that the petitioner is involved in four other FIRs of similar nature, as reflected in the order passed by the Additional Sessions, Panchkula declining the bail to him.

In reply, learned counsel for the petitioner has submitted that the petitioner is a senior citizen aged about 64 years and has undergone substantive judicial custody and in view of the fact that co-accused/son of the petitioner, namely Varun Kaul already stands acquitted, there are bleak chances of his conviction, therefore, he may be granted the concession of regular bail.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid submissions, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

05.01.2022
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No