

2023:PHHC:106558

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

233-A

CRM-M-35350-2023 (O&M)

Date of Decision: 17.08.2023

SUNIL KUMAR

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Namit Khurana, Advocate and
Mr. Sandeep Sharma, Advocate
for the petitioner.

Ms. Ankita Ahuja, AAG Haryana.

Mr. Bipan Ghai, Senior Advocate with
Mr. Deepanshu Mehta, Advocate
for the complainant.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for grant of regular bail to the petitioner in case bearing FIR No.190 dated 12.05.2012, registered under Sections 199, 211, 327, 342, 388, 406, 419, 420, 506, 120-B IPC and Sections 328 and 376 IPC (deleted on 24.05.2012), at Police Station City Yamuna Nagar, District Yamuna Nagar.

Learned counsel for the petitioner submits that the only allegation against the petitioner is of conspiracy, that no amount was ever received by the petitioner; that the petitioner was regularly appearing before the learned trial Court but on a solitary date i.e. 10.12.2014, he could not appear as he was told that the matter has been compromised; that on 10.12.2014, his bail/surety bonds were cancelled and forfeited to

the State; that the petitioner was declared as a proclaimed person on 27.02.2015 and that the petitioner was later re-arrested on 02.05.2023 and since then he has been in custody. He further submits that the petitioner is a serious patient of Tuberculosis and Diabetics and that, though, as per the report dated 12.07.2023 of the Medical Officer, District Jail, Jagadhri, the petitioner has been recommended for grant of interim bail for three months for his proper treatment, yet the learned Additional Sessions Judge, Jagadhri did not take the said fact into consideration. He further submits that now a compromise has been effected between the petitioner, co-accused, namely, Sonu Bansal and complainant, namely, Ajay Bansal, on 18.05.2022; that out of total 22 prosecution witnesses, only 3 have been examined, so far and that co-accused, namely, Sonu Bansal, has undertaken to return the amount received in his bank account to the complainant. Still further, it is submitted that there is no other case registered and/or pending against the petitioner.

Learned Senior counsel for the complainant does not dispute the factum of compromise effected between the parties.

On the other hand, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. She, however, submits that the petitioner was indicted on the basis of the disclosure statement of the co-accused and that Rs.10,000/- was recovered from him.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 02.05.2023. The allegations attracting Section 376 IPC were found to be false and

accordingly, the said Section along with other related Section were deleted vide DDR dated 24.05.2012. The allegation against the petitioner is with regard to conspiracy only. A compromise has already been effected between the petitioner, co-accused, namely, Sonu Bansal and the complainant. Co-accused, namely, Sonu Bansal has undertaken to return the amount received in his bank account to the complainant. The petitioner is stated to be a serious patient of Tuberculosis and Diabetics. Most of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, 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/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

17.08.2023

Aman Jain

(HARNARESH SINGH GILL)**JUDGE**

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>