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2024.PHHC.131518



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

**CRM-M-11312-2024
Date of decision: 03.10.2024**

PARSHAN ALIAS LAMBU

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Ms. Shivani Jaglan, Advocate
for the petitioner.

Mr. Rajesh Gaur, Addl.A.G., Haryana

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for him being enlarged on 'regular bail', in case FIR No.237, dated 02.07.2012, under Sections 302, 506, 148, 149 and 120-B of IPC, and under Section 25/54/59 of the Arms Act, registered at Police Station Narnaund, District Hisar.

2. The present petitioner is facing charges for commission of murder of one Amarjit Singh. The petitioner was arrested on 17.10.2012, thereafter he was granted the relief of regular by the the learned trial court concerned itself, in the year 2015. Thereafter, on 30.11.2015, the petitioner did cause appearance, which led the learned trial court concerned to declare the petitioner again a proclaimed offender on dated 30.11.2015. The petitioner was arrested on dated 01.04.2017, in some other case and he was produced on production warrant on 19.04.2017 in the

instant FIR, and since then he is behind bars.

3. In asking for the relief (*supra*), learned counsel for the petitioner submits that the petitioner could not make himself present before the learned trial court concerned, as he was not aware of the next date, therefore, he was declared as a proclaimed offender on dated 30.11.2015, and in the instant case he was produced on a production warrant on dated 19.04.2017, after his arrest in some other case.

4. She further submits that the petitioner has suffered incarceration after his re-arrest for more than 3 years, as on today (including remissions) and the trial in the instant case yet reached only half way, and out of the total 86 witnesses cited by the prosecution, 46 witnesses have been examined.

5. Finally, she submits that there are total 10 accused in the instant FIR, and out of them, one accused has died, and seven have already been extended the relief of regular bail. Now only the present petitioner, and one co-accused-Karan Singh, are behind bars, and in fact co-accused-Karan Singh has also been granted the relief of regular bail by this Court vide order of the even date, in CRM-M-37170-2024.

6. *Per contra*, the learned State counsel, while placing on record the custody certificate *qua* the petitioner, vociferously opposed the grant of regular bail to the petitioner, and submits that the petitioner is a habitual offender, and he is deliberately causing delay in conclusion of the trial.

7. He further submits that as per the status report, dated 15.05.2024, out of the total 86 prosecution witnesses, 41 witnesses have been examined, whereas 26 witnesses have been given up.

8. This Court has considered the submissions made by learned counsel for both the parties concerned, and has gone through the entire case file.

9. Be that as it may be, considering the fact that the present petitioner was earlier granted the relief of regular bail by the learned trial court concerned, and now he is behind bars since 19.04.2017 after being re-arrested on account of being declared as a proclaimed offender, and the trial has reached only a half way mark, and further the incarceration of the petitioner, is not warranted, and coupled with the fact that a co-accused-Karan Singh, of the present petitioner, has been extended the relief of regular bail by this Court vide order of even date in CRM-M-37170-2024, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner, during the pendency of trial. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail, on furnishing of his bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

10. However, it is clarified that if in future, the petitioner absents himself before the learned trial court concerned or is found indulging in commission of similar offences, as is involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

11. All pending application(s), if any, also stand **disposed** of accordingly.

03.10.2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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