



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

**CRM-M-37170-2024
Date of decision: 03.10.2024**

KARAN SINGH

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. K.P.S.Virk, 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 148, 149, 302 and 506 of IPC, and under Section 25 of the Arms Act, registered at Police Station Namaund, District Hisar.
2. The present petitioner is facing charges for commission of murder of one Amarjit Singh. During the course of the investigation, since the petitioner was absconding, he was declared proclaimed offender on dated 21.01.2013, and he was arrested in the instant FIR on dated 25.05.2015. Thereafter, the petitioner was granted the relief of regular by the the learned trial court concerned, itself vide order dated 01.12.2016. Since December, 2016 till 06.12.2018, the petitioner was regularly appearing before the learned trial court concerned, however, on 06.12.2018, the petitioner did cause appearance which led the learned trial court

concerned to declare the petitioner again as a proclaimed offender on dated 06.08.2019. The petitioner was re-arrested on dated 15.12.2021, in the present case and since then he is behind bars.

3. In asking for the relief (*supra*), learned counsel for the petitioner submits that since the petitioner was involved in one another case, therefore, due to confusion he could not cause appearance in the instant case.

4. He further submits that the petitioner has suffered incarceration after his re-arrest about 3 years, and the trial in the instant case has yet reached only half way, and out of the total 86 witnesses cited by the prosecution, 46 witnesses have been examined.

5. Finally, he 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-Parshan alias Lambu, are behind bars and in fact c-accused-Parshan has also been granted the relief of regular bail by this Court vide order of the even date, in CRM-M-11312-2024.

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 07.09.2024, 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 15.12.2021 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-Parshan alias Lambu, of the present petitioner, has been extended the relief of regular bail by this Court vide order of even date in CRM-M-11312-2024, 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