

254

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-53917-2023
Date of Decision: 04.03.2024

Gurlal Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. P.S. Hundal, Advocate
for the petitioner.

Mr. Narinder Behgal, AAG, Haryana.

Mr. Divyansh Chaudhary, Advocate for
Mr. Rahul Deswal, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.145 dated 03.05.2021, under Sections 148, 149, 323, 324, 506 IPC (Section 302, 120-B, 195-A and 34 IPC added later on) registered at Police Station Nissing, District Karnal.

2. Learned counsel for the petitioner submitted that the petitioner is in custody from 18.09.2023 which is more than 5 months and in fact it is a case where the petitioner after the registration of the FIR, was declared innocent and along with the petitioner, there were three more accused, who have been declared innocent. He further submitted that so far as the aforesaid three accused are concerned, they have also filed petitions for

grant of anticipatory bail before this Court and in pursuance of the direction issued by this Court for surrendering, they had surrendered and were granted interim bail by the learned trial Court and their anticipatory bail petitions have been allowed by this Court by way of an order of the even date. He submitted that so far as the present petitioner is concerned, he himself surrendered before the learned trial Court once his revision petition for challenging the order passed under Section 319 Cr.P.C. was dismissed. He further submitted that the petitioner is not a habitual offender and is not involved in any other case and earlier he was declared innocent by the police. He submitted that considering the aforesaid facts and circumstances of the case, the petitioner may be considered for grant of regular bail.

3. On the other hand, Mr. Narinder Behgal, learned AAG, Haryana submitted that so far as the custody of the present petitioner is concerned, the same is not in dispute because he has surrendered before the trial Court. He further submitted that when the case was being investigated, the petitioner was declared as innocent but later on he was summoned under Section 319 Cr.P.C. So far as the antecedents of the petitioner are concerned, he submitted that he is not aware about this since he has no instructions in this regard.

4. I have heard the learned counsel for the parties.

5. It is a case where the petitioner has already faced incarceration for more than 5 months and the matter is at the evidence stage. Earlier the petitioner was declared as innocent by the police but thereafter, he was summoned under Section 319 Cr.P.C. The other similarly situated accused were directed to surrender before the trial Court and it was directed in those

cases that the petitioners be granted interim bail and today vide order of even date, their interim bail has been confirmed by this Court.

6. In view of the aforesaid facts and circumstances, the present petition is allowed and the petitioner shall be released on regular bail subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

04.03.2024 (JASGURPREET SINGH PURI)
Bhumika JUDGE

- | | |
|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |