

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).6294/2004

(From the judgement and order dated 30/04/2004 in CRLA No. 54/1999 & CRLM No. 8541/2004 of
The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

KRISHAN

Petitioner(s)

VERSUS

STATE OF HARYANA

Respondent(s)

(With Appln.(s) for Bail and office report)

Date: 18/03/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE ARUN KUMAR

For Petitioner(s)

Mr. Jayant K.Sud, Sr.Adv.

Mr. Sudhir Nandrajog,Adv.

For Respondent(s)

Mr. D.P. Singh, Adv.

Mr Vinay Kumar Garg,Adv.

Ms. Avneet Toor, Adv.

UPON hearing counsel the Court made the following

O R D E R

Special leave granted.

The appeal is allowed in terms of the signed order. The appellant be released on bail on

his furnishing bail bonds to the satisfaction of the trial court.

(Sheetal Dhingra)

(Vijay

Dhawan)

Court Master

Court Master

[signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No.445 OF 2005

[Arising out of SLP(Cr1.)No.6294 of 2004]

KRISHAN
t(s)

..Appellan

Versus

STATE OF HARYANA
(s)

..Respondent

O R D E R

Special leave granted.

We have heard counsel for the parties.

While we do not wish to express any opinion on the correctness of the judgment of the

High Court of Punjab and Haryana in the case of Dharamapal Vs. State of Haryana [1999(4)RCR

(Crl.)600], we find from the facts of this case that the appellant has already undergone a sentence

of about 7 years and 2 months, as is apparent from the jail custody certificate issued by the

Deputy Superintendent, Distt. Jail, Rohtak dated 16th March, 2005. We also notice that the three

other co-accused had been granted bail by the High Court, of course, relying upon the decision in

Dharamapal's case.

In the facts and circumstances of this case, and without subscribing to view taken in

Dharamapal's case, but having regard to the fact that the petitioner has remained in actual custody

for 7 years and 2 months approximately, we direct that the petitioner be released on bail on his

furnishing bail bonds to the satisfaction of the trial court.

The appeal is allowed in the above terms.

.....J.

(B.P. SINGH)

.....J.

(ARUN KUMAR)

New Delhi

March 18, 2005.