

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

**CRM-M No.10127 of 2018
Decided on: 15.03.2018**

Parveen @ Kachi

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Prabhjeet Singh Sullar, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.207 dated 02.06.2014, for offence punishable under Sections 302, 120-B, 216 read with Section 34 of the Indian Penal Code (in short 'IPC'), registered at Police Station City Sonapat, District Sonapat.

Counsel for the petitioner has submitted that vide order dated 19.02.2015, the petitioner was granted regular bail by the Additional Sessions Judge, Sonapat by observing that the complainant/ Suraj Bhan – PW2, his son namely Rohit – PW5 and an eye-witness namely Mahavir – PW3 have not supported the prosecution case and they have been declared hostile and the remaining witnesses are the official witnesses. Counsel for the petitioner has further submitted that later on, on 09.12.2015, the petitioner could not appear before the trial Court as he was involved in some other case and his bail/surety bonds

were cancelled by the trial Court. Counsel for the petitioner has drawn attention of this Court to an order dated 28.02.2017, where the trial Court has observed that the petitioner along with one more accused namely Pankaj were not produced by the Jail Authorities, to submit that since the petitioner is in judicial custody in some other case, therefore, he was not produced before the trial Court on account of lapse by the Jail Authorities.

Counsel for the petitioner has further argued that the total custody of the petitioner is more than 02 years and though, he is in judicial custody in other case/FIRs, yet he has a right to be granted bail in the present FIR on account of the fact that he was earlier granted regular bail and on one date, he has defaulted his appearance on 09.12.2015, when his bail/surety bonds were cancelled by the trial Court.

Counsel for the State has filed the custody certificate today in the Court and on instructions from ASI Satish Kumar, has submitted that the petitioner has undergone more than 02 years of judicial custody and opposed the prayer for bail on the ground that he is involved in other FIRs as per Custody Certificate.

Without commenting anything on merits of the case and in view of the fact that the petitioner was earlier granted regular bail in this case vide order dated 19.02.2015, the petition is allowed and the petitioner is ordered to be released on bail subject to furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate.

However, it is made clear that if the petitioner is involved in other cases/FIRs and is in judicial custody, he shall be released only

subject to grant of bail in those cases/FIRs.

It will also remain open for the prosecution to apply for cancellation of bail, if the petitioner is found misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

15.03.2018
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No