

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

212

CRM-M No.18686 of 2018
Date of Decision: May 9th, 2018

Iqbal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Abhinav Sood, Advocate
for the petitioner.

Mr. Sharad Kumar Yadav, Deputy Advocate General, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for grant of regular bail under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.220 dated 27.09.2015 registered at Police Station Bahin, Distritc Palwal, under Sections 341, 395, 397 IPC and Section 25 of the Arms Act.

It is the contention of learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He states that the petitioner was declared a proclaimed offender on 31.03.2016 and since he was not aware of the pendency of the FIR and was not served at any moment, he did not have an occasion to appear before the Court. In any case, he asserted that three of the co-accused of the petitioner, who have faced the trial, have been acquitted by the learned Sessions Judge, Palwal, by judgment dated 02.09.2016. He contends that the petitioner was arrested on 24.12.2017 and is in custody since then. He, therefore, prays for grant of concession of bail as the trial is not likely to conclude soon.

Counsel for the State submits that the petitioner was a proclaimed offender and, therefore, likelihood of the petitioner absconding and abstaining from trial, cannot be ruled out. He further states that the

charge has been framed but out of the 13 witnesses, none has been examined till date. Assertion has also been made that the petitioner be not granted the concession of bail at this stage.

Having considered the submissions made by the counsel for the parties and keeping in view the fact that the petitioner is in custody since 24.12.2017 with no witnesses examined till date, the trial is not likely to conclude in near future and, therefore, the present petition is allowed. Petitioner is granted the concession of regular bail.

Petitioner is directed to be released on bail to the satisfaction of the trial Court.

Let the trial Court, while releasing the petitioner on bail, impose strict/heavy surety/conditions to ensure that the petitioner does not abscond from facing trial.

May 9th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No