

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

CRM-M No.44248 of 2018

Date of decision : 12.10.2018

Parveen alias Miyan

.....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Nipun Vashist, Advocate for the petitioner.

Mr. Rahul Mohan, DAG, Haryana.

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DAYA CHAUDHARY, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to petitioner Parveen alias Miyan in case FIR No.327 dated 27.10.2014 under Sections 307, 450, 147, 148 and 149 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959, registered at Police Station – Rewari City, during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas he was not involved in the alleged offence. No role has been attributed to him attracting Section 307 IPC. Earlier he was released on regular bail by the lower court vide order dated 07.04.2017. Subsequently, he could not appear before the trial Court as he was arrested in some other case and he was produced through

production warrant in this case. Learned counsel also submits that nothing is to be recovered from the petitioner in the present case as investigation has already been completed, challan has been presented and all material prosecution witnesses have been examined.

Learned State counsel has not disputed the factum of release of the petitioner on regular bail earlier as well as his arrest in some other case, but he has opposed the bail on the ground that the petitioner is a habitual offender as he is involved in five more cases and those cases are of serious offences under Sections 395, 302 and 307 IPC.

Heard arguments of learned counsel for the parties as well as learned State counsel and have also perused the order passed in favour of the petitioner, whereby he was released on regular bail.

Undisputedly, by keeping in view the role attributed to the petitioner, earlier he was released on regular bail by the trial Court but subsequently, he has been involved in some other case and was arrested. Because of his arrest in some other case, the petitioner could not appear before the trial Court. The subsequent involvement of the petitioner in the other case will be dealt with separately. He was earlier released on regular bail in this case and he could not appear because of his arrest in the subsequent case. The release of the petitioner on regular bail in this case would only be symbolic unless he is released in other cases registered subsequently. By considering the fact that the petitioner was earlier released on regular bail in this case and also by considering his role in the present case, the present petition is allowed and the petitioner is directed to be

released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court.

12.10.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No