

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

CRM-M No.51038 of 2018

Date of decision : 27.11.2018

Dinesh

.....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Amit Chaudhary, Advocate for the petitioner.

Mr. R.K.Doan, AAG, Haryana.

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DAYA CHAUDHARY, J. (Oral)

Petitioner Dinesh has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No.729 dated 06.06.2014 under Sections 420/467/468/471/511/120-B read with Section 34 of the Indian Penal Code, 1860 (for short the 'IPC'), registered at Police Station – City Panipat, Distt. Panipat, during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case on the basis of disclosure statement made by co-accused just to put pressure upon him to settle the dispute. The petitioner is not the beneficiary of the alleged transaction nor he has played any active role. Learned counsel also submits that the petitioner earlier was allowed anticipatory bail vide order dated 29.09.2014 but absented himself

during trial and ultimately was declared as proclaimed offender vide order dated 17.11.2015. Learned counsel further submits that the petitioner was ultimately arrested on 10.11.2017 in case FIR No.256 dated 10.11.2017 under Section 174-A IPC and was taken into custody. In that case the petitioner was released after undergoing the sentence and after setting of the substantive sentence. Learned counsel for the petitioner submits that the petitioner is in custody for more than 11 months and only one case is there against him in which he is on bail.

Learned State counsel has not disputed the custody period and also the fact that petitioner was earlier released on bail but vehemently opposed the submissions made by learned counsel for the petitioner that he remained absented for a period of two years and therefore, does not deserve concession of regular bail.

Heard arguments of learned counsel for the parties and have also perused the contents of the FIR.

By taking into consideration that the petitioner is in custody for 11 months and also the fact that earlier he was on bail, the offence is triable by Magistrate and in one case which is pending against him he is on bail, 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.

27.11.2018*sunil devi***(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No