

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25965-2017

Date of Decision: 25.07.2019

Kuldeep Singh

.....Petitioner

Vs.

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Deepak Sharma, Advocate, for the petitioner.

Mr. Surender Singh, A.A.G., Haryana.

Mr. Munish Behl, Advocate, for respondent no. 2.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioner seeks the cancellation of the bail granted to respondent no. 2, Narata Ram, by the trial Court, vide its order dated 07.03.2017, he having been arraigned as an accused in FIR No. 17 dated 28.01.2017, alleging therein the commission of offences punishable under Sections 120-B/406/420 of the IPC.

Learned counsel for the petitioner submits that the said respondent having duped the petitioner and his brother of a large amount of money and he having been initially arrested on 28.01.2017, with no recovery effected from him, and he thereafter having been remanded to judicial custody on 01.02.2017, he does not deserve the concession of bail, he also being a Proclaimed Offender in another case (that being a complaint instituted under Section 138 of the Negotiable Instruments Act). A copy of the order stated to have been passed in that case on 26.04.2010, by the JMIC Ambala Cantt., has been annexed as Annexure P-7 with

the petition.

He therefore submits that respondent no. 2, being a habitual offender, does not deserve the concession of bail to be continued.

Learned counsel for respondent no. 2, on the other hand, submits that the report under Section 173 of the Cr.P.C. already having been submitted to the competent Court, with the trial ongoing and respondent no. 2 duly having appeared before the trial Court, which is at the stage of recording the testimony of prosecution witnesses, there would be no ground to cancel the bail in this case simply because respondent no. 2 may have been declared to be a Proclaimed Offender/Proclaimed Person in some other case.

Having considered the matter, though learned counsel for the petitioner may be correct to the extent that the respondent no. 2 has been declared to be a Proclaimed Person/Proclaimed Offender in some other case, yet, with he not having shown to have absented himself at any stage before the trial Court in the proceedings ongoing in connection with the present case, I see no reason to cancel the bail already granted to him by the trial Court.

Consequently, this petition is dismissed.

However, nothing stated hereinabove will be taken to be a comment on the merits of the case for or against respondent no. 2 in the present case, nor naturally as regards his being or not being a Proclaimed Offender/Proclaimed Person in any another case, which proceedings would naturally continue on their own merits.

July 25, 2019
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes