

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

**CRM-M-27880-2019
Date of decision: 09.07.2019**

Salim**...Petitioner**

Versus

State of Haryana**...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. D. P. S. Bajwa, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 133 dated 22.05.2016, registered under Sections 506 and 34 of the IPC and Section 25 of the Arms Act, 1959 at Police Station Uchana, District Jind.

Learned counsel for the petitioner submits that as per the allegations in the FIR, the petitioner has threatened the complainant that he should not come in the area of the petitioner and if he comes, he will be killed.

Learned counsel for the petitioner further submits that in pursuance to the FIR, no recovery was effected and the petitioner was granted bail and was regularly appearing before the trial Court, however, he was arrested on 11.10.2017 in another FIR No. 342 and he moved an application for production in the present FIR but he was not presented in the present case before the trial Court and in the intervening period, on account

of non-appearance of the petitioner, he was declared a proclaimed offender on 24.10.2017.

Learned counsel for the petitioner further submits that despite the fact that the petitioner was in custody since 11.10.2017 in FIR No. 342, he was never produced by the police before the trial Court in the present case though it was well within the knowledge of the police as both the FIRs pertain to the same district.

Learned State counsel, on instructions from HC Rajinder Kumar, has not disputed the factual position that the petitioner was arrested in FIR No. 342 dated 11.10.2017, PS-Sadar, Jind and thereafter, he was declared a proclaimed offender in the present case on 24.10.2017 and the police has never produced the petitioner before the trial Court/Illaqua Magistrate during the intervening period.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody since 11.10.2017 and the trial is likely to take a long time, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

09.07.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No