

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

216

CRM-M-28772-2019 (O & M)
Date of Decision:19.07.2019

Salim

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

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

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.139 dated 26.05.2016, under Section 25 of Arms Act, registered at Police Station Uchana, District Jind.

Learned counsel for the petitioner contends that the petitioner was already on bail, however, on one date i.e. 12.10.2016, he could not appear as he had noted wrong date instead of actual date. Accordingly, bailable warrants/non-bailable warrants were issued to secure his presence and were directed on his previous address. He further contends that as he was arrested in some other case i.e. FIR No.342 dated 11.10.2017 and due to this reason the petitioner was declared as proclaimed offender on 24.10.2017 in the present case i.e. FIR No.139 dated 26.05.2016. He submits that the petitioner did not abscond and was in police custody.

However, petitioner was not produced before the said Court. He further contends that out of 8 prosecution witnesses, only one has been examined till date.

On the other hand, learned State counsel assisted by HC Darshan Singh has opposed the bail application on the ground that the petitioner is involved in 12 other cases. However, it is not disputed that the petitioner was arrested in some other case i.e. FIR No.342 dated 11.10.2017 registered at Police Station Sadar, Jind and thereafter he was declared a proclaimed offender in the present case on 24.10.2017.

Considering the above back ground and the fact that the trial is likely to take some time, further detention of the petitioner may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

19.07.2019

sheetal

(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No