

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

CRM-M-53625 of 2019.

Decided on:- December 19, 2019.

Sajid @ Sajid.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Saleem Ahmed, Advocate
for the petitioner.

Mr. B.S.Virk, DAG, Haryana.

HARI PAL VERMA, J. (Oral)

The petitioner has filed present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.255 dated 02.12.2010 under Sections 147, 149, 323, 354, 365 and 506 IPC registered at Police Station Nagina, District Mewat Nuh.

Learned counsel for the petitioner states that in the aforesaid FIR, the petitioner was on bail. Since he failed to appear before the trial Court, he was declared a proclaimed person on 23.08.2014 and thereafter, he was arrested in case on 30.09.2019. In this manner, he is in custody since 30.09.2019.

He further states that the aforesaid FIR was registered against 5 accused and vide judgment dated 22.09.2017 passed by learned Judicial

Magistrate 1st Class, Ferozepur Jhirka, accused Abdul Hai and Hamid have been acquitted, whereas accused Aas Mohd. had died during the trial. Another accused, namely, Sapatulla was convicted by the trial Court. However, the trial against the petitioner could not be conducted as he was declared as a proclaimed person. In case, the petitioner is admitted on bail, he undertakes to appear before the trial Court on each and every date of hearing and to face the trial in accordance with law.

Learned State counsel does not dispute the custody of the petitioner. He, however, states that since the petitioner was declared a proclaimed person during the trial, there is a likelihood that he may again abscond from the trial in case he is released on bail.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 30.09.2019 and the culpability of the petitioner is yet to be decided during the trial as two accused have already been acquitted by the trial Court, whereas one accused has been convicted vide judgment dated 22.09.2017, this Court finds that no useful purpose would be served by detaining the petitioner in custody.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate.

Since the petitioner was declared a proclaimed person during the trial, the trial Court/Duty Magistrate shall release him on bail on his furnishing some local surety.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

December 19, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No