

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

212

CRM-M No.22075 of 2020

Date of Decision: August 18th, 2020

Naseeb

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Randeep S. Dhull, Advocate
for the petitioner.

Ms. Tanisha Peshawaria, Deputy Advocate General, Haryana.

(PROCEEDINGS THROUGH V.C.)

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail in FIR No.593 dated 01.11.2018 registered under Section 411 (FIR was registered under Section 379-A IPC but later on Section 379-A deleted by police and challan was presented under Section 411 IPC) at Police Station Pundri, District Kaithal.

It is the contention of learned counsel for the petitioner that the petitioner has been nominated in the case because of the disclosure statement of the co-accused. He contends that although initially the FIR was registered under Section 379-A IPC but challan has been presented under Section 411 IPC. The prayer of the petitioner for grant of regular bail has been declined by the trial Court on the ground that the petitioner was declared a proclaimed person in the present FIR. He contends that the petitioner is in custody since 12.07.2020 in the present case. Assertion has been made that as a matter of fact, petitioner was in custody in another FIR i.e. FIR No.41 dated 28.04.2019 registered under Section 307 IPC, Police Station Jhansa, District Kurukshetra, because of which the petitioner could not appear before the Court nor was he arrested. It is after the concession of bail in that case that the petitioner has

been arrested in the present case. Although challan has been presented but no charge has been framed as of now. He contends that the petitioner be granted the concession of bail as the trial Court has proceeded on a wrong assumption.

Counsel for the State, on the other hand, asserts that the petitioner although may have the justification for non-appearance in the present FIR, however, because of the involvement of the petitioner in another case, where he was in custody, the petitioner be not granted the concession of bail.

I have considered the submissions made by the counsel for the parties and with their assistance, have gone through the records of the case.

The factual assertion, as has been pointed out by the counsel for the petitioner is borne out from the record and, therefore, speak for itself. Petitioner did not intentionally evade arrest or appearance before the Court. Offence for which he is being tried in the present case is under Section 411 IPC, under which challan has been presented. The trial is not likely to conclude in near future as even the charge has not been framed and there are 13 prosecution witnesses.

In view of the above, present petition is allowed.

Petitioner is ordered to be released on bail to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Kaithal.

Any observations made hereinabove are for the purpose of disposal of the present petition alone and shall have no bearing on the merit of the case during the trial in any manner.

August 18th, 2020
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No