

Naresh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURIPresent: Mr. Virender Soni, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Through Video Conferencing**JASGURPREET SINGH PURI, J.(ORAL)****CRM-28572-2020**

This is an application for placing on record the zimni orders passed by the learned trial Court i.e. (Annexures P-6 to P-52).

For the reasons mentioned in the application, the same is allowed subject to all just exceptions. Annexures P-6 to P-52, are taken on record.

Application is disposed of.

CRM-M-27033 of 2020

The present petition has been filed under Section 439 of Cr.P.C. for grant of 'regular bail' to the petitioner in FIR No.576, dated 21.12.2017, under Sections 341, 427, 506 IPC (Section 120-B IPC added later on), registered at Police Station Safidon, District Jind.

Learned counsel for the petitioner has submitted that in the present case, the petitioner was granted bail by the learned trial Court. However, he remained absent on 18.04.2019 and because of the same, he could not make himself present and, therefore, non-bailable warrants were issued against him. Thereafter, he was taken into custody in some other case and was produced before the court on production warrant on the next date of hearing. Learned counsel for the petitioner further states that the absence of the petitioner on 18.04.2019 was beyond his control because he was in illegal custody of the police and, therefore, he could not appear on the said date.

Learned counsel for the petitioner further submitted that although another FIR No.147, dated 02.04.2019, under Sections 323, 307, 120-B IPC and Sections 25/54/59 of Arms Act, 1959 was lodged against the petitioner but the same was also false and frivolous FIR and in the said FIR, the petitioner had been admitted to bail by this Court (coordinate bench) in CRM-M-18314 of 2020, passed on 05.08.2020. He has further submitted that although 16 more cases have been registered against the petitioner, out of which, he has been acquitted in 10 cases and in remaining cases, he is still facing a trial. Learned counsel further submitted that in the present case, the maximum punishment awarded under the provisions of the IPC is only 2 years and the petitioner is in custody for the last about 1 year and 5 months, and, therefore, he may be granted the concession of regular bail in the present case. Learned counsel further submits that in case the bail is not granted to the petitioner in the present case, it will cause a serious prejudice to him keeping in view the period of custody already undergone.

On the other hand, Mr. Munish Sharma, Assistant AG, Haryana, submits that the petitioner is involved in other cases. However, Mr. Sharma has not disputed the fact that the petitioner has been acquitted in 10 of those cases but the fact is that the petitioner is already facing a trial in other cases. Mr. Sharma has not disputed the period of custody already undergone by the petitioner but has denied the averments made by the learned counsel for the petitioner that the petitioner was in illegal custody of the police at the time when he did not present himself before the Court on 18.04.2019, and, thereafter, he was produced before the Court in some other case and, therefore has opposed the bail.

I have heard learned counsel for the parties and have perused the record.

The custody period of the petitioner is not disputed. Out of the total sentence of 2 years, the petitioner is in custody for the last about 1 year and 5 months and, therefore, it is a relevant factor for consideration to grant the concession of regular bail to the petitioner. So far as, the absence of the petitioner on 18.04.2019 is concerned, the contention of the learned counsel for the petitioner that the petitioner was in illegal custody of the police is yet to be determined as to whether the petitioner was in illegal custody of the police or not. However, when the FIR No.147, dated 02.04.2019 was lodged against the petitioner, the petitioner had been admitted to bail by this Court (coordinate bench) in some another case.

In the present case, this court has granted the interim bail to the petitioner on 14.09.2020, which was extended on 12.11.2020, till today.

Therefore, keeping in view the aforesaid facts and circumstances of the case, it will in the interest of justice to grant the concession of regular bail to the petitioner in the present case, as well. The present petition is allowed and the petitioner shall be released on bail on his furnishing adequate bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

(JASGURPREET SINGH PURI)
JUDGE

November 23, 2020
Manpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No