

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

**CRM-M-39511-2020(O&M)**

**Date of decision : 02.12.2020**

Hoshiara

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

**CORAM: HON'BLE MRS. JUSTICE ALKA SARIN**

Present: Mr. Satbir Singh Kanwar, Advocate for  
Mr. Charanji Lal, Advocate for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

\*\*\*\*

**ALKA SARIN, J. (ORAL)**

Heard through video conferencing.

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner during the pendency of the trial in FIR No.377 dated 20.09.1997 under Sections 323, 325 and 34 of the Indian Penal Code, 1860, registered at Police Station Rajound, District Kaithal.

The brief facts relevant to the present case are that FIR No.377 dated 20.09.1997 was registered at Police Station Rajound, District Kaithal on the statement of the complainant. The role attributed to the petitioner is that he was armed with a *Lathi* and gave a blow on the head of the complainant-Daleep Singh. The complainant suffered two blunt injuries. On 02.11.1997 the petitioner was arrested and produced before the Court. Thereafter, he was released on bail. The present petitioner was thereafter declared as Proclaimed Offender on 28.02.2002 and he has surrendered himself on 26.09.2020 and has been in custody since then.

Learned State counsel on instructions from ASI Krishan Kumar has stated that the petitioner has evaded the trial for over a long period of 18 years and that he is not entitled for the relief of regular bail. She has further brought to the notice of this Court that there are two other cases pending against the petitioner under the Excise Act, 1914.

In the present case, though the petitioner had earlier been granted the concession of bail, he has misused the same for a long period of 18 years and thereby evaded the trial for the said 18 years. No plausible explanation is forthcoming for the petitioner having evaded the trial for a long period of 18 years. The petitioner herein was declared as Proclaimed Offender on 28.02.2002 and it is only on 26.09.2020 that he has surrendered. The conduct of the petitioner herein disentitles him to the discretionary concession of regular bail.

In view of the above, I do not find this to be a fit case for grant of regular bail to the petitioner and accordingly the present petition is dismissed.

It is, however, made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

**( ALKA SARIN )**  
**JUDGE**

**02.12.2020**  
Yogesh Sharma

**NOTE: Whether speaking/non-speaking: Speaking**  
**Whether reportable: YES/NO**