

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

**CRM-M No.55361 of 2019
Date of Decision : 02.03.2020**

Manoj @ Goliya

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Rakesh Nehra, Advocate
for the Petitioner.

Mr. Navdeep Singh, Asstt. Advocate General, Punjab
assisted by ASI Krishan Kumar.
for the Respondent/State.

SUDIP AHLUWALIA, J. (ORAL)

The instant Petition has been filed under Section 438 of the Code of Criminal Procedure seeking Anticipatory Bail in case FIR No.170, dated 22.06.2019, registered under Sections 148, 149, 302, 307, 450, 323, 324, 326, 120-B of the Indian Penal Code (for short, 'the IPC'), at Police Station Siwani, District Bhiwani.

2. Submits *inter alia* that the Petitioner was neither named in the FIR nor has he been identified by the surviving Victim-Kaptan Singh, as one of the assailants.

3. Submits further that the Injuries resulting in the death of Victim-Lillu Ram, are directly attributable to the Co-accused-Parkash,

according to the FIR and the only material against the Petitioner is the Disclosure Statement of the said Parkash.

4. It transpires that investigation, in the case, has been practically completed and Challan has been submitted against as many as eleven accused persons including the main accused-Parkash.

5. Bail prayer of the Petitioner is nevertheless opposed on behalf of the State by contending that apart from the present case, he is also involved in six other cases.

6. Perused list of those cases. Two of the FIRs are under Section 174-A of the IPC, which were drawn up after the present FIR. Another FIR No.169 was drawn up in the same Police Station just one day before the present FIR, and warrants against the Petitioner in two previous FIRs of 2017-18, are pending although it is not clear whether he was named in those FIRs or not. In addition, he has been already acquitted in connection with FIR No.56 dated 19th March, 2014.

7. It is also submitted by Ld. Counsel for the State that the Petitioner is not entitled to the relief of anticipatory bail, in the present case, as he has been declared a Proclaimed Offender. The relevant order passed before the Ld Sub Divisional Judicial Magistrate, Siwani, however, goes to show that the Petitioner was declared Proclaimed Offender, in the present case, on 20th of January, 2020, when notice of

the present Petition under Section 438 Cr.P.C., had already been served, and even appearance from the State's side before this Court had been made on 14th January, 2020.

8. In this situation and in the totality of the circumstances, in the opinion of this Court, detention of the Petitioner, at this stage, is not justified. As such, in the event of arrest, the Petitioner is ordered to be released on bail to the satisfaction of the Arresting Officer till submission of report under Section 173 Cr.P.C. (Challan). He shall continue to join investigation and shall furnish an undertaking that he shall abide by the conditions specified under Section 438(2) Cr.P.C.. Thereafter, the Petitioner will be permitted to furnish bail bonds to the satisfaction of the Ld. Trial Court.

9. Disposed off.

March 02, 2020

Dpr

**(SUDIP AHLUWALIA)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No