

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

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**CRM-M No.5044 of 2020 (O&M)
DATE OF DECISION: 10th AUGUST, 2021**

Surjeet @ Dilawar

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court

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Present : Mr. Rajat Mor, Advocate,
for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

This is the third petition filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No.43 dated 08.03.1999 under Sections 392, 216, 395 and 397 IPC, registered at Police Station Badhra, District Charkhi Dadri.

It is submitted by learned counsel for the petitioner that in the first instance, the petitioner was granted bail pending trial by the trial Court itself. However, due to certain unavoidable circumstances, the petitioner could not appear before the trial Court on the given date at that time. Hence, the petitioner was declared as proclaimed person. Thereafter, the petitioner was arrested and the petitioner has now been in custody for more than two years. However, the trial of the petitioner is not proceeding in the right earnest. Learned counsel for the petitioner has also submitted that the other co-accused of the petitioner were tried by

the trial Court in the meantime. Out of those, only one person, from whom the alleged snatched car was recovered, has been convicted. The other co-accused have already been acquitted by the trial Court. The role of the petitioner is not at par with the person, who has been convicted. Rather, he was not named in the FIR. Nothing has been recovered from the petitioner. Except the disclosure statement of the co-accused, there is nothing on record to connect the petitioner to the alleged crime. It is also submitted that there is no other criminal case registered against the petitioner. The investigation of the case is already over. Hence, the petitioner is not required for any investigation purposes. The petitioner undertakes to appear before the trial Court on each and every date, if he is granted concession of bail.

Notice of motion.

Mr. Harish Rathee, Deputy Advocate General, Haryana, accepts notice on behalf of the respondent/State.

Learned State counsel, on being instructed, by police official, has submitted that the petitioner was earlier granted bail; by the trial Court. However, he absented for a long time, resulting him to be declared as proclaimed person. The petitioner cannot be believed any more that he will appear before the trial Court, if he is released on bail pending trial. However, it is not disputed that, except one person, from whom the snatched car was recovered, all other co-accused have been acquitted/released by the trial Court. It is also not disputed that the petitioner is in custody for more than two years after his re-arrest. Learned State counsel has not pointed out any other criminal case registered against the petitioner.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

10th AUGUST, 2021
‘sandeep’

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>