

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

CRM-M-No.8597 of 2021 (O&M)

DATE OF DECISION : 12.11.2021

SagarPetitioner

versus

State of HaryanaRespondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Vikas Gulia, Advocate for the petitioner

Ms. Safia Gupta, AAG Haryana

ALKA SARIN, J.

Taken up through physical hearing.

This is the second petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in FIR No.605 dated 27.12.2017 under Sections 398, 401 of the Indian Penal Code, 1860 and Sections 25, 54, 59 of the Arms Act, 1959 registered at Police Station Rai, District Sonapat. The first petition being CRM-M-39077-2020 was dismissed as withdrawn on 21.12.2020.

Learned counsel for the petitioner would contend that the petitioner has been in custody since 30.09.2019 in the present case. The

allegations in the FIR are that the petitioner and the co-accused Sumit were planning to commit robbery and were apprehended while trying to rob. The present petitioner was granted bail by the Trial Court vide order dated 11.04.2018. Thereafter, the petitioner did not appear on 22.10.2018 and non-bailable warrants were issued against him. The petitioner was produced before the Trial Court on 30.09.2019 on production warrant as he was confined in the District Jail, Rohtak and since 30.09.2019 the petitioner has been in custody in the present case.

Learned counsel for the petitioner would contend that the petitioner would abide by all the terms and conditions of bail and shall not abscond or jump bail in case the present petition is allowed.

A status-report has been filed by way of affidavit of Vipin Kadian, HPS, Deputy Superintendent of Police, Head Quarter, Sonipat wherein it has been stated that challan was filed under Section 173 CrPC on 23.02.2018. It is further stated that the petitioner was granted bail by the Trial Court vide order dated 11.04.2018. However, the concession of bail was misused by the petitioner by absenting himself from the trial and hence the bail was ordered to be cancelled on 22.10.2018. It has further been stated that after cancellation of bail of the petitioner the warrants of arrest were issued repeatedly on 13.11.2018, 02.01.2019, 06.02.2019 and 07.03.2019 and thereafter he was arrested. The petitioner was granted bail again vide order dated 08.04.2019 and was released on 12.04.2019. He yet again absented himself from the process of law on 30.04.2019 and his bail was cancelled and non-bailable warrants were issued against him. On 16.08.2019, the surety of the petitioner informed the Court that the

petitioner was lodged in the District Jail, Rohtak in FIR No.298 of 2019 under Section 379 IPC, Police Station City, Gohana. Thereafter, his production warrants were issued and the petitioner was arrested in the present case. The learned State counsel has opposed the grant of bail on the ground that the petitioner would misuse the concession of bail by absconding from the process of law.

Heard.

In the present case, the allegations against the petitioner are that the petitioner and the co-accused were planning to commit robbery and were apprehended while trying to rob. It is an admitted fact that the petitioner did abscond after being granted bail on two earlier occasions. The petitioner has now been in custody since 30.09.2019.

Keeping in view the fact that the petitioner has been in custody since 30.09.2019 and the challan stands presented, no useful purpose would be served by keeping the petitioner in custody any longer. Hence, I deem this to be a fit case for grant of regular bail to the petitioner and, without commenting on the merits of the case, the petitioner is directed to be released on bail subject to his furnishing bail bonds and heavy sureties to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

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

Disposed off.

(ALKA SARIN)
JUDGE

12.11.2021
parkash

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