

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

207

CRM-M-24342-2021  
Date of Decision:16.12.2021

HANIF

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Gautam Dutt, Advocate for the petitioner.

Ms. Geeta Sharma, Deputy Advocate General, Haryana.

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AVNEESH JHINGAN, J. (ORAL)

Due to COVID-19 situation, the Court is convened through  
video conference

This petition under Section 439 Cr.P.C is filed for grant of regular  
bail in case FIR No.52 dated 29.05.2012, under Sections 395 and 412 IPC,  
registered at Police Station Rajendra Park, District Gurgaon.

As per the case of the prosecution, the FIR was registered on a  
complaint received that 7-8 unknown persons looted Mahindra tractor bearing  
registration No.HR-14D-6250. The petitioner was nominated during investigation.  
On being declared proclaimed offender, later it was found that he was confined in  
Neemka Jail, Faridabad. His production warrant was obtained and he was arrested  
on 19.10.2016. His disclosure statement was recorded. He was granted default bail  
on 23.01.2017. He absented himself and was declared proclaimed offender on  
25.10.2017. He was re-arrested on 24.02.2021.

Learned counsel for the petitioner submits that co-accused having  
similar allegations and conduct were granted bail by the Sessions Court. He further

submits that the absent was not intentional. There is no intention to delay the trial. He further submits that to show his bona fide, the petitioner offers Rupees Fifty thousand to be deposited with the trial Court subject to the outcome of the trial.

Learned State counsel refutes the contention made by the counsel for the petitioner and submits that the petitioner is a habitual defaulter who is involved in other cases also.

The petitioner is in custody since 24.02.2021, the FIR is of 2012 and is at the stage of framing of charges. The machinery provisions provided under the Code of Criminal Procedure are to ensure the presence of the accused as and when required during trial. The idea behind is that there should be expeditious conclusion of trial. The petitioner was released on default bail, the offer made by the petitioner appears to be reasonable to ensure his presence in the trial. Similarly situated co-accused were granted bail by the Sessions Court, the petitioner is granted regular bail subject to deposit Rupees Fifty thousand with the trial Court. The amount deposited shall be subject to the outcome of the trial. The amount shall be kept in FDR in a Nationalised Bank. In case of failure of the petitioner to appear before the Court as and when required, the amount deposited by him shall stand forfeited.

The petition is allowed.

(AVNEESH JHINGAN )  
JUDGE

December 16, 2021

*Jyoti-1* Whether speaking/reasoned Yes/No Whether Reportable Yes/No