

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 27716 of 2021

Date of Decision: 10.9.2021

Shyam Sunder

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Abhishek Goyal, Advocate
for the petitioner.

Mr. Pardeep Prakash Chahar, DAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner seeks regular bail in FIR No. 475 dated 5.11.2016 under Sections 307, 34, 120-B IPC and Section 25 of the Arms Act, 1959 registered at Police Station Bhupani, District Faridabad.

Reply by way of affidavit of Assistant Commissioner of Police, Central Faridabad, dated 6.9.2021, filed in the Registry, is taken on record.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR and has been indicted in the present case on the disclosure statement of co-accused Arif; that earlier the petitioner was granted regular bail by the trial Court on 3.12.2018 and since then he had been regularly appearing before the trial Court; that it was only on one date, the petitioner could not appear before the trial Court and he was declared a proclaimed offender on 28.8.2019; that the petitioner has been in custody since 12.3.2020 and all the co-accused have been acquitted vide order dated

7.11.2019, passed by the trial Court.

At this stage, learned State counsel submits that the prosecution evidence has been concluded and now the case is fixed for defence evidence and arguments on 29.9.2021. It is further submitted that the petitioner is not entitled to grant of regular bail, as the earlier concession of regular bail has been misused by him. It is further submitted that there are some other cases pending against the petitioner.

I have heard the learned counsel for the parties.

It is not disputed that the petitioner has been in custody since 12.3.2020. As noticed above, the petitioner was granted regular bail vide order dated 03.12.2018 passed by the trial Court. The petitioner misused the said concession, which led to him being declared as proclaimed offender by the trial Court. The conduct of the petitioner does not warrant any further indulgence. Moreover, as pointed out by the learned State counsel, the prosecution evidence has already been concluded and now case is fixed for defence evidence and arguments.

No ground for grant of regular bail to the petitioner is made out.

The petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

September 10, 2021
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No