

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

-.-
CRM-M- 27574-2020 (O&M)
Date of decision : 11.01.2021

Krishan

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Rajnikant Upadhay, Advocate for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is a petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in FIR No.217 dated 07.06.2009 under Sections 148, 149, 452, 302, 506, 201 of the Indian Penal Code, 1860 registered at Police Station Gannaur, Sonipat.

Learned counsel for the petitioner would contend that the petitioner was not named in the FIR initially. Later, on the basis of the supplementary statement of the complainant, he was named as an accused. It has further been contended that the other four accused already stand acquitted in the case. Learned counsel for the petitioner would further contend that the petitioner has been in custody since 15.08.2018. Learned counsel also referred to the statement of the complainant recorded on 29.02.2020 wherein he has not supported the case of the prosecution.

Status report has been filed wherein it has been stated that on 15.06.2009 the complainant had made a supplementary statement wherein he has disclosed the name of his nephew Krishan, the petitioner-herein. During the investigation co-accused Rajeev @ Raja was arrested and he has also suffered a statement pertaining to the present case and disclosed the name of his accomplice. It has further been stated that though the other accused were arrested, however, the present petitioner could not be arrested and was declared a proclaimed offender on 25.11.2009 and it was only on 15.08.2018 that the petitioner was arrested. It has further been stated that the prosecution evidence has been recorded and out of 34 witnesses, 07 witnesses have already been examined.

I have heard learned counsel for the parties.

The petitioner in the present case was declared a proclaimed offender. FIR in the present case was registered on 07.06.2009 and the complainant got his supplementary statement recorded on 15.06.2019. The other co-accused were arrested and have already faced trial. However, the present petitioner, who is the main accused, has evaded his arrest for the last over a period of nine years and it was on 15.08.2018 that he could be arrested. The petitioner was infact arrested in FIR No.379 of 2018 registered under Section 25 of the Arms Act, 1959 at Police Station Samalkha, District Panipat on 14.08.2018 and thereafter on 23.09.2018 the supplementary challan was presented against him in the present case.

In view of the fact that the petitioner is the main accused in the present case and the fact that he has evaded arrest over a period of last nine years, I do not find it to be a fit case for grant of regular bail to the petitioner.

Accordingly, the present petition is dismissed.

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

January 11, 2021
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(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Yes/No
 Whether reportable: Yes/No