

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

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**CRM-M No. 40983 of 2021
Date of decision :05.10.2021**

Sanjay

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. S.K.Garg Narwana, Sr. Advocate with
Mr. Nitin Sachdeva, Advocate for the petitioner.

Mr. Pardeep Prakash Chahar, DAG, Haryana.

HARNARESH SINGH GILL, J.

Prayer in this petition is for grant of regular bail in case FIR No. 163 dated 22.05.2000 registered under Section 392 IPC at Police Station Mujessar, District Faridabad in which during investigation Section 34 IPC was added by the Police.

Learned Senior counsel for the petitioner states that though the petitioner has not named in the FIR but was declared Proclaimed Offender on 12.11.2007 and have surrendered on 04.08.2021. Co-accused Rambir and Girender have been acquitted by the trial Court on 14.01.2008 and 13.10.2017 respectively as the complainant Manohar Singh did not stepped into the witness box. He further states that the petitioner is ready to face the trial and he may be granted regular bail with heavy surety.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel states that petitioner is a habitual offender and is not regularly appearing before the court as he was initially arrested on 09.06.2000 and was granted bail on 07.04.2006. On 18.07.2006, petitioner did not appear before the court and his bail was cancelled. He

appeared on 20.10.2006 and was taken into custody and was released on regular bail on 23.10.2006. Later on, he did not appear in the case and he was declared Proclaimed Offender vide order dated 12.11.2007 and had surrendered on 04.08.2021.

I have heard the learned counsel for the parties.

The prosecution witnesses are yet to be examined. No useful purpose would be served by keeping the petitioner behind the bars. Moreover, co-accused of the petitioner have already been acquitted by the trial Court. Further, keeping in view the prevailing situation of Covid-19 pandemic, the trial is unlikely to conclude any time soon.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds in the sum of Rs.2 lacs with one local surety of the like amount to the satisfaction of the trial Court/ Duty Magistrate concerned.

05.10.2021

Rajeev (rvs)

(HARNARESH SINGH GILL)**JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No