

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

207

**CRM-M-41339-2020
Decided on : 22.01.2021**

Sabir

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Munfaid Khan, Advocate,
for the petitioner(s).

Ms. Taushree Gupta, DAG, Haryana
assisted by SI Bhagwat Parshad.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 436, dated 02.07.2013, under Sections 392, 394 IPC, registered at Police Station Sadar Nuh, District Nuh.

Learned counsel for the petitioner submits that the name of the petitioner was nominated as an accused on the basis of alleged disclosure statement suffered by co-accused Sarafat, wherein, the role of the present petitioner in the alleged crime came to light. Learned counsel further submits that the co-accused on the basis of whose disclosure statement, the petitioner was nominated as an accused, has since been acquitted. Hence, a prayer has been made for extending the concession of regular bail to the petitioner, as prosecution evidence is yet to commence, therefore, there is no likelihood of the trial concluding anytime in the near future.

Per contra, learned State counsel on instructions from SI Bhagwat Parshad, has opposed the prayer and submissions of the learned counsel for the petitioner, by submitting that keeping in view the conduct of the petitioner who remained absconding for 07 years and was declared a proclaimed offender, he does

not deserve the concession of regular bail. It has been further submitted that no doubt co-accused Sarafat was acquitted by the trial Court, however, it was on account of the witnesses turning hostile.

Learned State counsel has also apprised this Court that one more co-accused is still absconding and has been declared proclaimed offender. She has submitted that in case the petitioner is enlarged on bail, there is every likelihood of the witnesses being influenced to depose in his favour.

Heard.

In the facts and circumstances of the case, I do not find any ground to extend the grant the concession of regular bail to the petitioner. Therefore, finding no merit in the instant petition, same stands dismissed. However, anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

January 22, 2021

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No