

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-97-2021 (O&M)
Date of Decision:-12.1.2021

Amandeep @ Rajbir @ Amanpreet Joshi ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gursimran Singh Madaan, Advocate for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by HC Leela Ram.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.257 dated 21.9.2014 at Police Station Chandimandir, District Panchkula, Haryana under Sections 148, 323, 324, 307, 452, 427 and 149 of Indian Penal Code and Sections 25 and 54 of Arms Act, wherein it is alleged that the complainant had been caused injuries by the accused. The petitioner also came to be nominated as an accused subsequently.
2. Learned counsel for the petitioner has submitted that the petitioner had infact been granted bail by the Trial Court in the year 2015 and had been regularly appearing before the Trial Court but he became absent on 3.8.2018 on

account of which the petitioner had been declared a proclaimed offender. It has been submitted that the petitioner was arrested again on 21.8.2020 and has been in custody ever since.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and infact when the statement of injured complainant Kapil Dev was recorded during the proceedings of trial, he did not support the case of the prosecution at all and was declared as hostile. Learned counsel in this regard has referred to the statement of PW-1- Kapil Dev (Annexure P-3).
4. Opposing the petition, learned State counsel has submitted that since the petitioner is a seasoned criminal having been involved in three other case, he does not deserve the concession of bail. Learned State counsel, however, could not dispute the fact that the complainant has since resiled.
5. Having regard to the facts and circumstances of the case and the fact that the petitioner after having been rearrested on 21.8.2020 has been behind bars since then and also that the complainant has not supported the case of prosecution at all when examined by the Trial Court, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

12.1.2021

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No