

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

(Heard through VC)

CRM-M-6128 of 2022 (O&M)

Date of Decision: February 17, 2022

Sanjay

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vivek Goyal, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG Haryana.

JAISHREE THAKUR, 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.56 dated 05.02.2001, under Sections 419, 205 of Indian Penal Code, registered at Police Station Baldev Nagar, District Ambala.

Learned counsel for the petitioner contends that the petitioner herein was in custody in the instant FIR No.56 dated 05.02.2001 and was subsequently granted bail. Thereafter, he was continuously appearing in the said case for a period of 02 years, however, at that time a fire broken out in the District Court complex at Ambala, because of which many files were burnt. It is submitted that counsel for the petitioner informed him that he stood acquitted and therefore, he need not appear in the case any more.

Thereafter, he stopped appearing in FIR No.56 of 05.02.2001 and because of his non-appearance, he was declared as proclaimed offender on 08.11.2007. It is argued that the petitioner was never informed about the proclamation proceedings till 19.11.2021, when he was arrested and an FIR No.509 of 2021 stood registered against him under Section 174-A of IPC at Police Station Baldev Nagar. It is submitted that the bail application of the petitioner was dismissed by observing that despite issuance of non-bailable warrants and publication of proclamation, he failed to appear till his arrest in FIR No.56 dated 05.02.2001. Counsel for the petitioner herein would contend that the petitioner herein was under a bona fide belief that he had been acquitted, as an assurance was given by his counsel. In fact, the petitioner was involved in another case in the year 2010, in which he was ultimately acquitted. At that time, the petitioner was continuously appearing in the said case for about three years, however, even at that relevant time, he was never informed about the pendency of any proceedings in FIR No.56 dated 05.02.2001. It is submitted that thereafter, the petitioner was also involved in FIR No.295 dated 20.09.2015 and was granted anticipatory bail in the said case and since then, he is continuously appearing in the said FIR. It is contended that even at that point he was neither arrested in FIR No.56 dated 05.02.2001, nor was made aware about the pendency of proclamation proceedings in FIR No.56 dated 05.02.2001. It is argued that non-appearance of the petitioner in the instant FIR was wholly inadvertent and was not deliberate, considering the fact that the petitioner was appearing in the same court in two others FIRs, in one of which he stood acquitted. It is contended that now the petitioner has been

in custody for more than two months and as the investigation stood completed and challan presented, as such, his custody would no longer be required, therefore, he is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, by contending that the petitioner deliberately absented himself from the court proceedings and thus, declared as proclaimed offender and ultimately, arrested on 19.11.2021.

I have heard learned counsel for the parties.

In view of the facts that the petitioner herein has been in custody since 19.11.2021, investigation is complete, as the challan already stands presented and that conclusion of trial is likely to take sufficient time, as such, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and *heavy* surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

However, anything observed or said by this court is only for the purpose of deciding the instant petition for grant of regular bail and the same shall have no effect on the merits of the case.

February 17, 2022
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No