

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

**CRM-M-10662-2022
Date of Decision: 21.03.2022**

Kaushal Kumar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Mamta Panwar, Advocate
for the petitioner.

Mr. R.S. Arya, Addl. AG, Haryana.

JASGURPREET SINGH PURI, J.(ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.150, dated 08.06.2020 under Sections 148, 149, 302, 201, 2016, 420 and 120-B IPC, 1860 and Sections 25, 54 and 59 of Arms Act, 1959 registered at Police Station Kasola, District Rewari, Haryana.

It has been submitted by learned counsel for the petitioner that in the present case, the petitioner has been charged only for an offence under Section 216 IPC on the ground that the allegations were that the petitioner had given a shelter to one of the accused persons. Since he was charged under Section 216 IPC, he was granted bail on 03.07.2020 and thereafter, due to mis-communication with his counsel, the petitioner could not make himself present at the time of presentation of the challan and even on subsequent dates and eventually he was arrested and it was only because of miscommunication with the counsel that it so happened and therefore, the petitioner may be

an order passed in CRM-M-21752-2021, vide Annexure P-19, whereby, the other accused Pardeep, who was also charged under Section 216 IPC, 1860 has been granted bail by this Court.

On the other hand, learned State counsel has submitted that it is a case where although the petitioner was charged under Section 216 IPC but after he was granted bail on 03.07.2020, he absconded and when the case was fixed for arguments for charge i.e. 28.01.2021, he failed to appear and because of the same, warrants of arrest were issued against him. Thereafter, repeatedly, warrants of arrest issued against him on many dates i.e. 15.02.2021, 17.03.2021, 22.04.2021, 03.08.2021 and 20.08.2021 and the petitioner failed to appear on all these dates before the Court rather evaded his arrest and thereafter, it was only on 21.09.2021 that the petitioner was produced in execution of warrants of arrest. He further submitted that it is a case where the co-accused have been charged under Section 302 IPC along with other offences and the allegations against the petitioner are that he had given a shelter to the co-accused and keeping in view the conduct of the petitioner whereby, he has intentionally evaded the arrest and despite being on bail, did not appear for a number of times and for a long span of time, therefore, he does not deserve the concession of regular bail.

Learned State counsel has further submitted that the petitioner is not at parity with the other accused Pardeep, who was granted bail by this Court, vide Annexure P-19, because in that case, the accused had not appeared for two consecutive dates before the learned trial Court and thereafter, within a period of two/three months, he surrendered himself before the Court and this Court had granted bail to him. Although, so far as the offence under Section 216 IPC is concerned, the present petitioner is at parity pertaining to the offence only but so far as the conduct of the present petitioner is concerned,

the same is not similar to that of the other accused, who was granted bail. Learned State counsel has further submitted that in case, the petitioner is released on bail then there is a strong apprehension that he may again abscond and therefore has opposed the grant of regular bail to the petitioner.

I have heard the learned counsel for the parties.

The petitioner was granted bail on 03.07.2020 and thereafter for about 4-5 dates, he did not appear before the Court and even he did not appear at the time of consideration of framing of charge and ultimately, he was arrested. The petitioner cannot be termed at parity with the other co-accused Pardeep because the facts and circumstances of the other case are distinguishable and different from the present case. The conduct of the present petitioner would disentitle him for grant of concession of regular bail. The apprehension expressed by the learned State counsel in view of the conduct of the petitioner that in case, he is released on bail then he may again abscond, cannot be ignored.

Therefore, considering the totality of facts and circumstances of the present case, this Court does not deem it fit and proper to grant bail to the petitioner. Consequently, the present petition is dismissed.

It is made clear that the aforesaid observations would not mean anything on the merits of the case, as the same are only for the purpose of deciding the present petition.

(JASGURPREET SINGH PURI)
JUDGE

March 21, 2022
Manpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No