

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

223

CRM-M-12369-2022
Decided on : 18.07.2022

Deenu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Deepender Singh, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 529 dated 29.12.2001 under Sections 459, 380 of the Indian Penal Code, 1860 and Sections 25, 54 and 59 of the Arms Act (Sections 392, 394 and 397 IPC added later on) registered at Police Station Sadar Ballabgarh, District Faridabad.

Learned counsel for the petitioner has submitted that in the present case, one of the co-accused Bubudeen, who was also declared as proclaimed offender, had been arrested and vide judgment dated 18.10.2019 (Annexure P-4) has been acquitted as in the said case, the complainant has turned hostile and has stated that the police had obtained his signatures on blank paper and refuted the suggestion that Bablu and Rati Ram were present with him in the office. It is further submitted that the petitioner has been in custody since 31.12.2001 upto

06.03.2002 and thereafter, from 26.02.2021 to even date and there are as many as 24 prosecution witnesses, out of whom, only 4 witnesses have been examined leaving, 20 witnesses to be examined and thus, the trial is likely to take time.

Learned State counsel has vehemently opposed the present application for regular bail and has submitted that in the present case, the petitioner was arrested on 31.12.2001 and thereafter, was granted bail on 06.03.2002, but however, since the petitioner did not appear before the trial court and evaded the process of law, thus, the petitioner was ultimately declared as proclaimed offender on 07.08.2007 and it is only after a period of more than 13 years and 6 months, the petitioner was arrested on 26.02.2021 and thus, there is every chance that the petitioner would again abscond and delay the trial. It is further submitted that in the FIR, it was specifically mentioned that there were 4 persons and one of the named accused was Deenu i.e., the present petitioner. It is contended that in the present case, after the petitioner was arrested on 31.12.2001, an identity parade was conducted and the said fact is clear from the perusal of the challan (Annexure P-2). It is further contended that as far as the acquittal of the co-accused is concerned, it is apparent from paragraph 11 of order dated 18.10.2019 (passed by Additional Sessions Judge, Faridabad) that accused present in the Court was not amongst the robbers and thus, the said evidence would not in any way benefit the present petitioner. It is argued that the petitioner has been convicted vide judgment dated 19.03.2021 in FIR

No. 59 dated 25.02.2021 under Section 174-A IPC registered at Police Station Sadar Ballabgarh, Faridabad.

This Court has heard learned counsel for the parties and has perused the paperbook.

It is not in dispute that the petitioner was arrested on 31.12.2001 and was granted bail on 06.03.2002 and thereafter, stopped appearing before the trial Court and was ultimately declared as proclaimed offender on 07.08.2007. It is after a period of more than 13 years and 6 months that the petitioner was arrested on 26.02.2021 and thus, has delayed the entire trial. There is every likelihood that the petitioner would again abscond in case he is granted bail, moreso at this stage when 20 more witnesses are yet to be examined. The petitioner has also been convicted vide judgment dated 19.03.2021 in FIR No. 59 dated 25.02.2021 under Section 174-A IPC registered at Police Station Sadar Ballabgarh, Faridabad. . As per the prosecution version, four persons had entered into the room where the complainant was working as a Munshi on the crusher of Dr. Ahuja at plot no. 109 and was sitting and counting cash, when the said 4 accused persons including the petitioner had snatched money from the said Munshi. The name of the petitioner is specifically mentioned in the FIR. Reliance placed upon by the petitioner upon the judgment dated 18.10.2019 with respect to the acquittal of Babudeen, co-accused, does not further the case of the petitioner inasmuch as, the complainant had specifically stated that the said Babudeen was not amongst the robbers. No statement had been made/shown of the

complainant deposing/giving any evidence in favour of the present petitioner. Recovery of Rs.500/- of the looted amount had also been effected from the present petitioner.

Keeping in view the abovesaid facts and circumstances, the present petition is dismissed at this stage.

Since the present FIR is of year 2001 and out of 24 prosecution witnesses, only 4 witnesses have been examined and 20 witnesses are yet to be examined, the trial Court is requested to expedite the trial.

(VIKAS BAHL)
JUDGE

July 18th, 2022
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No