

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

CRM-M-16244-2022

Date of decision: 30.08.2022

Kapil

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. R.A.Sheoran, Advocate,
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.235 dated 31.05.2019, registered at Police Station Tosham, District Bhiwani, under Sections 323, 34, 341, 379-B IPC and Section 201 IPC (added later on).

Learned counsel for the petitioner submits that the petitioner was granted bail in the above noted FIR; that the petitioner had been regularly appearing before the trial Court; that however on 22.10.2019, the petitioner absented himself from the court proceedings, following which his bail had been cancelled and warrant of arrest issued against him; that owing to Covid-19 and his false implication in other cases, the petitioner could not surrender before the trial Court, and that the petitioner was arrested in some other case and has been in custody for the last more than 11 months in the present case, and that absence of the petitioner was not intentional. He further contends that in the present case, the petitioner has not been declared a proclaimed offender yet. So far as other cases

registered or pending against the petitioner, are concerned, he has been released on bail therein.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the trial Court has rightly cancelled the bail of the petitioner; that the petitioner is a habitual offender and that even after cancellation of his bail in the present case, two more FIRs have been registered against the petitioner.

I have heard the learned counsel for the parties.

Indisputably, the petitioner had earlier been released on regular bail. He absented himself from the court proceedings on 22.10.2019. He was arrested in some other case and has been in custody for the last more than 11 months in the present case. He has not been declared a proclaimed offender yet. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

30.08.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No