

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

236

CRM-M-22292-2022

Date of Decision : July 18, 2022

ANKIT SEHRAWAT

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr.Prateek Rathee, Advocate
for the petitioner

Mr.N.S.Panwar, DAG Haryana

JASGURPREET SINGH PURI . J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.153 dated 19.10.2012 under Sections 392,397,201 and 34 of the Indian Penal Code and Sections 25,54 and 59 of the Arms Act, registered at Police Station Farrukh Nagar, District Gurugram.

Learned counsel for the petitioner has submitted that the petitioner is in custody from 11.11.2020 and all the other co-accused have been acquitted in the present case. He submitted that earlier the petitioner was declared as a proclaimed offender but he was arrested on 11.11.2020 and now he is facing trial and has submitted that no useful purpose would be served by keeping the petitioner in custody in view of the fact that the other co-accused have been acquitted.

On the other hand, learned State counsel submitted that the petitioner does not deserve the concession of bail as the present FIR was

lodged in the year 2012 and the allegations against the petitioner were with regard to robbery of a Santro car from the complainant at gun point. He submitted that the other co-accused have been acquitted but the petitioner is now facing the trial and five witnesses have already been examined. He submitted that after lodging of the present FIR, the petitioner absconded and he was declared as a proclaimed offender on 02.09.2013 and it was only after a period of more than 7 years, he was arrested in the present case and during the interregnum period, he had committed other offences as well and he was involved in two more cases pertaining to Section 302 and 307 IPC, besides another case under the Arms Act, and there is an apprehension that if the petitioner is released on bail he may again abscond or may repeat the offence and has therefore, vehemently opposed the grant of bail to the petitioner.

I have heard the learned counsel for the parties.

In the present case the FIR was lodged in the year 2012 and the petitioner was declared as a proclaimed offender in the year 2013 and he was arrested after 07 years i.e. 11.11.2020. As per learned State counsel, during that period he got involved in two other cases under Section 302, other under Section 307 IPC and another under the Arms Act.

Learned counsel for the petitioner has submitted that the petitioner was taken into custody in the year 2016 in another case and therefore it cannot be said that he absconded for a period of 7 years. He further submitted that in the other cases in which he is involved, he was either acquitted or his sentence had been suspended.

The arguments raised by learned counsel for the petitioner that in the year 2016, the petitioner was taken into custody in another case and therefore, he cannot be considered to be an absconder, is totally misconceived since he was declared as a proclaimed offender in 2013. The other argument raised by learned counsel for the petitioner that in other cases in which the petitioner is involved, he had been either acquitted or his sentence had been suspended is also unsustainable in view of the fact that the present FIR was lodged in the year 2012 and as per learned counsel for the parties, he absconded and was declared as proclaimed offender in the year 2013 and thereafter even till 2020 he remained as absconder for the period of seven years out of which three years were after declaring him as a proclaimed offender. The conduct of the petitioner would disentitle him for grant of regular bail.

The apprehension by learned State counsel that in case the petitioner is released on bail, he may again abscond or may repeat the offences, cannot be ignored. Therefore, considering the aforesaid facts and circumstances and the seriousness of the matter, the petitioner does not deserve the concession of bail. Consequently, the petition for grant of regular bail is dismissed.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

18.07.2022

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Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No