

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

204

CRM-M-31823-2021

Date of decision: 25.05.2022

Narinder Singh @ Nandu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vikram Singh, Advocate
for the petitioner.

Mr. Rohit Arya, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

This is the third petition filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.331 dated 29.06.2020 lodged under Sections 148, 149, 323, 324 and 506 IPC (Sections 325 and 307 IPC and Section 3(1)(s), 3(2)(v),(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 added lateron) registered at Police Station Shahabad, District Kurukshetra.

On a pointed query put to the learned counsel for the petitioner as to what was the material change in circumstances subsequent to the withdrawal of the previous petition on 08.07.2021 for this Court to entertain this petition, he submits that final report under Section 173 of the Cr.P.C. has since been presented, charges framed and the prosecution evidence has also commenced.

Learned counsel for the petitioner further contends that the petitioner has been in custody since 11.08.2020 and there is no likelihood of the trial concluding in the near future as no prosecution

witness out of the 25 cited has been examined till date. He also submits that the co-accused have been extended the concession of bail by this Court vide orders dated 07.01.2021 and 29.01.2021 (Annexures P-2 and P-3 respectively). He submits that in the circumstances, further incarceration of the petitioner would not serve any useful purpose.

Per contra, learned counsel appearing for the State while opposing the submissions made by the counsel opposite, submits that the petitioner cannot claim parity with the two co-accused, who have since been extended the concession of bail by this Court as there was no corroborative medical evidence on record qua the allegations levelled against them in the FIR in question. He, however, submits that as far as the present accused is concerned there are specific allegations levelled against him of being armed with lethal weapon i.e. an iron rod with which he inflicted injuries on the person of the complainant, including a head injury, which was opined to be dangerous to life, attracting the mischief of Section 307 IPC. Learned State counsel still further submits that the crime in question was committed by the petitioner while he was on bail in the other criminal cases which already stood registered against him on the date of the alleged occurrence. Learned State counsel submits that the petitioner, who is a man of criminal antecedents, is involved in following criminal cases:-

1. FIR No.549 dated 08.10.2018 under Sections 323, 506 and 34 IPC registered at Police Station Shahabad, District Kurukshetra.
2. FIR No.145 dated 07.08.2020 under Sections 323, 201, 506 and 34 IPC registered at Police Station Babain, District Kurukshetra.
3. FIR No.115 dated 12.06.2017 under Sections 148, 149, 323, 341 and 506 IPC registered at Police Station Babain, District Kurukshetra.

4. FIR No.141 dated 17.07.2017 under Sections 148, 149, 323, 324, 341, 506 and 326 IPC registered at Police Station Babain, District Kurukshetra.
5. FIR No.261 dated 01.06.2017 under Sections 323, 325, 506 and 34 IPC registered at Police Station Shahabad, District Kurukshetra.
6. FIR No.846 dated 24.12.2020 under Section 42A of the Prison Act registered at Police Station Thanesar City, District Kurukshetra.
7. FIR No.40 dated 15.02.2017 under Section 25 of the Arms Act, 1959 registered at Police Station Babain, District Kurukshetra.
8. FIR No.367 dated 14.07.2020 under Section 25 of the Arms Act, 1959 registered at Police Station Shahabad, District Kurukshetra.

On a pointed query put to the learned State counsel as to what was the reason for the delay in the conclusion of the trial, he submits on instructions that one of the co-accused Rohit Sethi had since absconded during trial and had been declared a proclaimed offender vide order dated 12.05.2022. Learned State counsel submits that keeping in view the criminal antecedents of the petitioner, there is every likelihood that the petitioner too could follow suit and abscond in the same manner as co-accused Rohit Sethi, who too had been extended the concession of bail.

I have heard learned counsel for the parties and perused the material placed on record.

It is a matter of record that the petitioner is a man of criminal antecedents and the crime in question was committed by him while he was on bail in the other criminal cases registered against him. Besides this, the petitioner has been attributed an injury with an iron rod on the head of the injured-complainant in addition to other injuries. This Court, in the facts and circumstances, does not deem it fit to

extend the concession of bail to the petitioner.

Dismissed.

However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

25.05.2022

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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