

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

CRM-M-38720-2022

Date of Decision: 02.09.2022

Murlidhar Viswakarma alias Monu

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Deepak Vashishth, Advocate,
for the petitioner.

Mr. Praveen Bhadu, A.A.G., Haryana.

VIKAS BAHL, J. (Oral)

This is the second petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No. 328 dated 20.09.2018, under Sections 20, 27-A and 29 of the NDPS Act, 1985, registered at Police Station Sadar District Jind.

Learned counsel for the petitioner has submitted that the petitioner was granted regular bail vide order dated 04.12.2018 by the learned Additional and Sessions Judge, Jind, and thereafter was appearing regularly but could not appear on 30.04.2019 and was declared to be a Proclaimed Person on 18.01.2020 and has submitted that the petitioner after being declared as a Proclaimed Person is in custody since 02.10.2020 and a period of 01 year and 11 months has elapsed from the said date and there are 22 witnesses, none of whom have been examined and thus the trial likely to take time.

It is submitted that earlier the bail application of the petitioner was dismissed at that stage on 17.08.2021 and even thereafter, a period of more than 01 year and 14 days has elapsed and yet the trial has not made any progress. It is submitted that the petitioner has suffered enough incarceration for the fault committed by the petitioner.

Learned State counsel on the other hand has opposed the present petition for regular bail and has submitted that the petitioner, after being released on bail, had stopped appearing and had been declared a Proclaimed Person and thus, does not deserve the concession of regular bail.

This court has heard learned counsel for the parties and has perused the paper book.

The petitioner is in custody since 02.10.2020 and out of 22 witness, none has been examined and thus, the trial is likely to take time. The earlier bail application was dismissed as withdrawn at that stage on 17.08.2021 and even thereafter a period of 01 year and 14 days has gone by but the trial has not made much progress. Although the petitioner had been declared a proclaimed person on 18.01.2020, but keeping in view the above undergone period of incarceration and also the fact that the trial has not made much progress, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to him not being required in any other case. The petitioner shall also abide the following conditions:-

1. The petitioner will not tamper with the evidence during the trial.
2. The petitioner will not pressurize / intimidate the prosecution

witness(s).

3. The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.

4. The petitioner shall not commit an offence similar to the offence of which she is accused of, or for commission of which she is suspected.

5. The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

September 02, 2022
nitin

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No