

CRM-M-45728-2021 (O&M)
Decided on 15.02.2022
(Heard through VC)

DALBIR @ DHEELA

...Petitioner

Versus

STATE OF HARYANA

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKURPresent:- Mr. Saurabh Dalal, Advocate
for the petitioner.

Mr. Vishal Malik, DAG, Haryana.

JAISHREE THAKUR, J. (Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.184 dated 11.05.2014 registered under Sections 420, 467, 468, 471, 120B and Section 25 of Arms Act at Police Station Sadar Bahadurgarh, Jhajjar.

Learned counsel for the petitioner herein would submit that the petitioner had been allowed regular bail by the JMIC Bahadurgarh on 26.01.2015 and was appearing regularly in the Court, but on account of noting down the wrong date, he was unable to appear before the trial Court and was declared proclaimed person on 10.01.2020. It is submitted that thereafter, the petitioner was arrested on 18.07.2021 and has been in custody ever since. It is further stated by the learned counsel for the petitioner that absence of the petitioner before the trial Court was neither

intentional nor willful, and thus, prays for regular bail.

Notice of motion.

On the asking of this Court, Mr. Vishal Malik, DAG, Haryana. accepts notice on behalf of respondent-State and while opposing the prayer for grant of regular bail to the petitioner, learned State counsel on instructions from SI Anil Kumar, submits that since the petitioner, after getting the concession of bail, has remained absent and in order to secure his presence, non-bailable warrants was issued against him. Even thereafter, he did not put in an appearance. Consequently, he was declared as proclaimed person by order dated 10.01.2020. It is submitted that there are four other cases pending against the petitioner herein and one of them being under Section 302 IPC, he does not deserve the concession of regular bail.

Faced with this, learned counsel for the petitioner would submit that the petitioner herein stands acquitted under three matters and is on bail in the FIR under Section 302 IPC.

I have heard the learned counsel for the parties and having perused the interim orders as passed.

The petitioner had already been allowed regular bail under the said FIR, though he jumped bail and has now been in custody for a period of about 8 months. Taking into the fact that out of 32 witnesses cited, only two have been examined so far, the trial is likely to take long to conclude. Without commenting on the merits of the case, the instant petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail bond in the sum of Rs.2,00,000/- with one surety in the like

amount to the satisfaction of trial Court/Duty Magistrate concerned.

Anything observed hereinbefore shall not be construed as an observation on merits of the case.

15.02.2022

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No