

CRM-M-44513 of 2022

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

CRM-M-44513 of 2022
Date of decision: 16.12.2022

Raja

.....Petitioner

versus

The State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Sanpreet Sandhu, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

NAMIT KUMAR, J. (ORAL)

In terms of order dated 11.11.2022, reply by way of an affidavit of Kanwaljeet Singh, Deputy Superintendent of Police, Yamuna Nagar, on behalf of the respondent-State has been filed, which is taken on record.

This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.239 dated 01.04.2020 under Sections 148, 149, 323, 506, 120-B and 379-B IPC (Section 325 IPC added later on), registered at Police Station City Yamuna Nagar, District Yamuna Nagar.

Learned counsel for the petitioner submits that earlier the petitioner was granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 04.08.2020 passed in CRM-M-12101 of 2020 and thereafter he was granted regular bail by the Court of learned Chief Judicial

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Magistrate Ist Class, Jagadhri, vide order dated 24.03.2021. However, on 09.09.2021, since the petitioner was out of station, he intimated his advocate to move an application for exemption from personal appearance, however, the same was not filed. Thereafter, vide order dated 16.04.2022 petitioner was declared proclaimed person by the Court of learned Chief Judicial Magistrate, Jagadhri and petitioner surrendered on 18.07.2022 and is in custody for the last about five months. He further submits that trial is likely to take a considerable time to conclude, therefore, no fruitful purpose would be served by detaining the petitioner behind bars during the trial.

Learned State counsel opposed the prayer for grant of regular bail to the petitioner, however, she could not refute the abovesaid contentions raised on behalf of the petitioner.

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

In the status report filed by the learned State counsel, it has been stated that after the petitioner was declared as proclaimed person on 16.04.2022, FIR No.616 dated 25.07.2022 under Section 174-A IPC has been registered at Police Station City Yamuna Nagar. It has also been mentioned that four FIRs are also pending against the petitioner, however, he is on bail in the said case.

Learned counsel for the petitioner further submits that mere pendency of other cases cannot be made ground to deny the bail to the petitioner in view of the judgment rendered by the Hon'ble Supreme Court of India in **Prabhakar Tewari Vs. State of U.P. and another, 2020 (1)**.

R.C.R. (Criminal) 831.

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To the same effect is the judgment of the Hon'ble Apex Court in **Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2)**. **SCC 382**, wherein it has been held as under: -

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

Keeping in view the totality of the facts and circumstances of the case and the fact that petitioner was already on regular bail and after he was declared as proclaimed person, he surrendered on 18.07.2022 and is in custody for the last 04 months and 27 days; trial is in progress, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

The petition stands disposed off accordingly.

16.12.2022
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No