

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

CRM-M-2901-2023

Date of Decision: January 24, 2023

ASHIF @ ASH MOHAMMAD

..... Petitioner

Versus

STATE OF HARYANA

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Balwinder Sangwan, Advocate for the petitioner.

Mr. Sumit Jain, Addl. A.G. Haryana.

HARKESH MANUJA, J. (ORAL)

By way of present petition filed under Section 439 read with Section 482 Cr.P.C. prayer has been made for grant of regular bail pending trial in case of FIR No. 717 dated 20.10.2014 under Sections 148, 149, 323, 324, 427, 452, 506 IPC (S. 325, 379 IPC Added later on) registered at Police station City Ballabgarh.

Referring to the FIR, learned counsel for the petitioner submits that petitioner is already behind bars for past almost five months now, he was not even named in the FIR and was implicated on the disclosure made by one of the co-accused. Learned counsel for the petitioner also submits that the challan already stands filed against him. Though, initially the petitioner was granted the benefit of regular bail by the trial Court, however, on account of certain personal reasons he could not continue appearing before the Court for the purpose of facing trial and thus was declared as proclaimed offender resulting into registration of FIR under Section 174-A IPC. Learned counsel for the petitioner submits that petitioner shall continue

to appear before the trial Court and face trial and can be subjected to certain conditions to the satisfaction of trial Court in this regard.

On the other hand, learned State counsel opposes the prayer made in the present petition by submitting that petitioner has been evading the process of Court for a period of almost seven years and that too without any justifiable reasons and thus, does not deserve the concession of regular bail.

I have heard learned counsel for the parties and gone through the paper-book.

Considering the fact that though apparently the petitioner has failed to provide any reasonable justification for his non-appearance before the trial Court for a period of almost 7 years, however, the petitioner is already behind the bars for a period of almost 5 months now and all other co-accused are already on bail. No useful purpose would be served for extending his incarceration.

In view of the above, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner, namely, ASHIF @ ASH MOHAMMAD is ordered to be released on bail, subject to satisfaction of the trial Court considering imposition of reasonable conditions upon the petitioner so as to procure his presence in the trial and surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

24.01.2023
tejwinder

(**HARKESH MANUJA**)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>