

213

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

**CRM-M-4261-2023
Decided on:-20.02.2023**

Vijay @ Bija

....Petitioner..

vs.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rajesh Bhateja, Advocate,
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana,
for respondent-State.

HARKESH MANUJA J. (Oral)

By way of present petition, the petitioner prays for grant of regular bail during pendency of trial in case FIR No.41 dated 14.04.1996, under Section 379 IPC, registered at Police Station City Tohana, District Fatehabad.

Learned counsel for the petitioner submits that initially challan was filed against the petitioner on 05.04.1997 and he was granted the concession of regular bail, however, on account of his non-appearance before the trial court, he was declared as proclaimed offender order dated 21.02.2006. Learned counsel also submits that the co-accused of the petitioner, namely, Rajbir, who was also declared as proclaimed offender, later faced the trial and got acquitted vide judgment dated 19.01.2016.

Learned counsel further submits that the petitioner has now

been arrested on 23.09.2022 and is behind the bars for almost 5 months now. He also submits that even charges have not been framed so far and thus, prays for grant of concession of regular bail.

On the other hand, learned State counsel opposes the prayer made in the present petition by submitting that the petitioner misused the process of law and absconded from the court proceedings for almost 16 years and, thus, prays for dismissal of present petition.

I have heard learned counsel for the parties and gone through the paper book. I find merits in the submissions made on behalf of the petitioner.

Though, the petitioner was declared proclaimed offender wayback on 21.02.2006, however, he is already behind the bars for almost 5 months now and would face the trial, the investigation having been concluded.

Keeping in view the fact that the trial is likely to take some time and the fact that the co-accused, namely Rajbir already stands acquitted of the charges in the present FIR, no useful purpose is going to be served by keeping the petitioner behind the bars.

In view of the above, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing bail bonds and surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

20.02.2023
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No