

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

CRM-M No.14971 of 2023
Date of decision: 24th May, 2023

Phool Singh alias Phoola

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Satish Chaudhary, Advocate for the petitioner.

Mr. Rahul Mohan, Sr. Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.12 dated 08.01.2018 under Sections 457, 380, 411, 413, 420, 467, 468, 471, 120-B IPC registered at Police Station City Gohana, District Sonipat.

2. This is second petition which has been filed on behalf of the petitioner after withdrawal of the previous petition as recently as on 27.02.2023.

3. On a pointed query put to the learned counsel for the petitioner as to what was the material change in circumstances which would warrant entertaining the instant petition, he submits that the petitioner has been in custody since 09.03.2018 and there is no

likelihood of the trial concluding in the near future. He has also submitted that it is a case of false implication as a perusal of the FIR in question clearly reveals that the petitioner was not even named therein, much less attributed any role in the crime in question.

4. Per contra, learned State counsel on instructions from ASI Mohinder has vehemently opposed the prayer and submissions made by the counsel opposite, by urging that there has been no material change in circumstances after the withdrawal of the previous petition on 27.02.2023 and rather, the trial is now nearing conclusion as only one prosecution witness out of the 21 cited remains to be examined.

5. Learned State counsel has filed the custody certificate of the petitioner which is taken on record subject to all just exceptions and a copy thereof has been supplied to the counsel opposite. Learned State counsel, while drawing the attention of this Court to the custody certificate, has submitted that the petitioner has criminal antecedents which are evident from a perusal of the custody certificate which has been filed today as he is involved in as many as 57 criminal cases. It has been also asserted that the trial has been delayed on account of the involvement of the petitioner in several other cases, for which he was taken on production warrants to different courts in different parts of the State. He submits that now the trial would not take much time to conclude as only 1 prosecution witness remains to be examined.

6. I have heard learned counsel for the parties and perused the relevant material on record as also the custody certificate of the petitioner filed in the Court today.

7. The previous petition seeking similar relief was withdrawn just three months back, i.e. on 27.02.2023. Learned counsel for the petitioner has failed to bring to the notice of this Court any material change in circumstances which would warrant entertaining the instant petition. No doubt, learned counsel for the petitioner has submitted that the petitioner has since been acquitted in some of the other criminal cases which stood registered against him, however, that by itself would not be a sufficient enough reason to extend the concession of bail to the petitioner, more so, when the trial is nearing conclusion. Though the petitioner has been acquitted in some of the criminal cases registered against him, however, it is a matter of record that in some cases he has also been convicted by the trial Court while in some criminal cases, the trial is underway.

8. Prima facie, the petitioner comes across as a person of criminal antecedents. The trial will not take much time to conclude now. This Court is therefore not inclined to extend the concession of bail to the petitioner. The petition stands dismissed.

9. However, as the petitioner has now been in custody since 09.03.2018, the trial Court shall make earnest efforts to conclude the trial at the earliest.

10. It is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

May 24, 2023
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No