

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

2023:PHHC:048827

(212)

CRM-M-15229-2023

Date of Decision: 10.04.2023

Intzar

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Ashik Ali, Advocate for the petitioner.

Mr. B.S. Virk, DAG, Haryana.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case FIR No.154 dated 5.4.2021 under sections 379-B, 34 I.P.C, registered at Police Station, Yamuna Nagar Sadar, District Yamuna Nagar.

As per factual matrix, a complaint was lodged by the Abrar son of Islam, wherein it was alleged that he is a driver by profession and along with his conductor he had come from Ghaziabad to Yamuna Nagar to collect sand-gravel. On the way four boys came on the motorcycle and started beating them. They took away Rs.16,050/- lying in his pocket along with his purse containing his documents. His conductor namely Aalim noted down the number of motorcycle of boys who had beaten them and robbed them. A request was made to take legal action against the culprits.

On the basis of the complaint, present FIR was lodged and investigation commenced. Petitioner was arrested on 19.1.2023. He approached the court of learned Sessions Judge, Yamuna Nagar for grant of bail and the learned Sessions Judge, Yamuna Nagar granted him bail vide

order dated 28.5.2021, however, during trial petitioner remained absent on 6.9.2022 and on account of the same learned Trial Court cancelled his bail. Petitioner again approached the court of learned Addl. Sessions Judge, Yamuna Nagar for grant of bail, however, the same was declined vide order dated 10.3.2023. Aggrieved by the same petitioner has approached this court for grant of bail.

Learned counsel for the petitioner vehemently contends that petitioner has been falsely implicated in the present case. He submits that it is apparent from the record that petitioner was granted bail by the learned Sessions Judge, Yamuna Nagar vide order dated 28.5.2021, however, due to lack of communication between the petitioner and his counsel he remained absent on 6.9.2022 and his bail was cancelled by the Trial Court. Counsel submits that petitioner was regularly appearing before the Trial Court but the Trial Court did not appreciate the same and thus wrongly declined the bail of the petitioner vide order dated 10.3.2023. It is submitted that petitioner was wrongly implicated in another FIR, however, he has been granted bail in that case. It is submitted that in the overall facts and circumstances of the case, petitioner deserves to be enlarged on bail.

On the other hand, learned State counsel submits that complicity of the petitioner was duly established. Though, he was granted bail by the learned Sessions Judge, Yamuna Nagar, however, he intentionally remained absent and his bail was cancelled by the Trial Court. It is further submitted that after having been granted bail petitioner again committed another offence and another FIR was registered against him. He submits that in all there are 7 prosecution witnesses, however, none has been examined till date.

I have heard learned counsel for the parties at length and have gone through the records carefully.

Admittedly, petitioner was arrested on 19.1.2023 and earlier he was enlarged on bail vide order dated 28.5.2021, however, he remained absent on 6.9.2022 and his bail was cancelled. Though the petitioner is involved in another FIR, however, he has been released on bail in that case. Investigation in this case is complete, charges have been framed and examination of prosecution witnesses is yet to commence.

This court would refrain itself from commenting on the merits of the case, as the allegations and counter allegations would be assessed only after evaluation of the complete evidence led by both the sides before the Trial Court. The trial would take sufficiently long time in its conclusion.

In the totality of facts and circumstances and without making any observation on merits, present petition is allowed. Petitioner be enlarged on bail on his furnishing bail/surety bonds subject to satisfaction of Trial Court/Duty Magistrate, concerned. Nothing stated herein shall be treated as an expression on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

10.04.2023

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

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

210 CRM-M-42726-2022

Darbara Singh Vs. State of Punjab

Present: Mr. K.B. Raheja, Advocate for the petitioner.

Mr. Karunesh Kaushal, A.A.G., Punjab.

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List on 18.7.2023.

10.04.2023
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(RAJESH BHARDWAJ)
JUDGE