

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

**CRM-M-14473-2023 (O&M)
Date of decision : 10.08.2023**

Pawan

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Ankit Chahal, Advocate for the petitioner.

Mr. A.K. Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.70, dated 14th of February, 2019 registered for the offences punishable under Sections 148, 149, 307, 323, 341, 365 and 506 Indian Penal Code, 1860 and Section 25 of Arms Act, 1959 at Police Station Hodal, District Palwal (Haryana).

2. Custody Certificate of the petitioner has been filed today in Court; Be kept with the record.

3. The petitioner was initially granted bail vide order dated 9th of August, 2019 passed by Additional Sessions Judge, Palwal. However, the same was ordered to be cancelled after the petitioner defaulted on 23rd of December, 2021. The petitioner is behind bars since 22nd of May, 2022. The trial has already proceeded and the material witness i.e. the complainant stands examined. Thus, counsel for the petitioner claims that there can't be any apprehension that the petitioner abscond the bail.

4. Per contra, State Counsel however submits that the petitioner is a habitual offender having around 11 cases pending against him as observed by the lower Court and that itself coupled with the fact that the petitioner is guilty of having misused the concession earlier in time, would be a ground to decline the bail.
5. Having heard counsel for the parties and after going through records of the case, this Court finds that definitely the petitioner cannot deny the fact that he misused the concession of bail earlier in time but for that he already has suffered incarceration for more than 1 year.
6. In view of above, without commenting on the merits of the case and keeping in view the fact that the petitioner was earlier granted bail, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
7. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

August 10, 2023
Dpr

(Pankaj Jain)
Judge

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