

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

**CRM-M-18482-2023
Date of decision: 21.04.2023**

JAVED

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Saleem Ahmed, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

VIKRAM AGGARWAL, J (ORAL)

1. Prayer in this present petition for the grant of regular bail in case bearing FIR No.69 dated 22.03.2019 under Section 379-A IPC, 1860 later on added Section 365 IPC, 1860 registered at Police Station Kosli, District Rewari.

2. On 21.03.2019 at about 11:30 PM, the complainant Gayur was going to Gaziabad with another person namely Savej. When they reached near the Kosli bypass, a Swift dzire car came from behind and intercepted their vehicle. Three-Four persons got down from the car. One of them came towards the driver side and put a pistol like weapon on the temple region of the complainant-Gayur and snatched his purse, documents of the vehicle and his mobile phone and both of them were tied and left behind. The

petitioner was initially arrested but was released on bail vide order dated 18.10.2021 (Annexure P-2). However, he absented from the proceedings before the trial Court on 05.09.2022 and was declared a proclaimed offender on 10.11.2022. He subsequently surrendered before the Court on 07.02.2023 and has been in custody since then.

3. Learned counsel for the petitioner contends that the absence of the petitioner from the trial Court on 05.09.2022 was unintentional. He submits that the petitioner is in custody again for the last more than two months and no useful purpose would be served by keeping him in custody. It has thus been prayed that the petitioner be released on bail. The prayer made by the petitioner has been opposed by learned counsel representing the State of Haryana stating that keeping in view the conduct of the petitioner, the petitioner does not deserve to be released on bail as he may again abscond and there is every likelihood of the petitioner trying to threaten the witnesses who are yet to be examined.

4. I have considered the submissions made by learned counsel for the parties. Admittedly the petitioner was released on regular bail on 18.10.2021. He absented from the proceedings before the trial Court on 05.09.2022 and was declared a proclaimed offender on 10.11.2022. He surrendered before the trial Court on 07.02.2023 and has been in custody since then. The trial is at the initial stage and shall take a sufficient time to conclude. Keeping in view the fact that the petitioner was earlier released on bail and he himself surrendered before the Court again, this Court deems it appropriate to accept the prayer of the learned counsel for the petitioner.

In view of the above, without expressing any opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail on his/her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

21.04.2023
himanshu

(VIKRAM AGGARWAL)
JUDGE

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