

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

216

CRM-M-22555-2023

Date of decision: 17.05.2023

Rohit alias Lotta

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sandeep Singh Jattan, Advocate
for the petitioner.

Mr. Chetan Sharma, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the present petition (second) is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.139 dated 26.03.2018 under Sections 148, 149, 323, 324, 452, 302, 506 and 120-B of the Indian Penal Code, 1860 registered at Police Station Farakpur, District Yamuna Nagar.

2. At the outset, when a pointed query was put to the learned counsel for the petitioner as to what was the material change in circumstances subsequent to the dismissal on merits of the previous petition on 17.01.2023, he submitted that similarly situated co-accused had been extended the concession of bail and secondly the complainant in the case in hand had been examined.

3. Learned counsel for the petitioner submits that in view of the long custody period of 03 years and 05 months, the petitioner be extended the concession of bail.

4. Learned State counsel has, however, opposed the prayer made by the learned counsel for the petitioner by urging that the case of

the petitioner is not at par with co-accused who had been extended the concession of regular bail as they had been summoned as additional accused under Section 319 of the Cr.P.C. Learned State counsel, on instructions from SI Satpal, PS Farakpur, Yamuna Nagar, has further submitted that it was a case of eye witness account and the complainant, while stepping into the witness box had fully supported the case of the prosecution. It has also been urged by the learned state counsel that it was a pre-planned murder as the occurrence in question had taken place in two stages. While drawing the attention of this Court to the allegations levelled in the FIR in question, learned State counsel has submitted that initially, on the fateful day i.e. 25.03.2018, the petitioner along with two others picked up a quarrel with the deceased, however, the deceased managed to flee from the spot. Thereafter, the petitioner along with other co-accused returned to the spot, armed with lethal weapons like swords, *gandasis*, pipe rods, etc. and chased the deceased. Multiple injuries were inflicted by the accused including the petitioner, with their respective weapons on different parts of the body of the deceased which found due corroboration with the post mortem report. Learned State counsel has submitted that there was no material change in circumstances subsequent to the dismissal of the previous petition of the petitioner on 17.01.2023 which would entitle him to the concession of bail. Learned State counsel has further drawn the attention of this Court to the custody certificate of the petitioner which has been filed today in the Court and submitted that the petitioner is a man of criminal antecedents as he is involved in 04 other criminal cases and it is also a matter of record that he had

absconded in the case in hand as a result of which he was declared a proclaimed offender, and FIR under Section 174-A of the IPC also stood registered against him.

5. Learned State counsel has further submitted that the long custody period of the petitioner would not come to his rescue as the delay in the trial has been on account of the petitioner himself who had absconded and misused the concession of bail which had been given to him by the Trial Court.

6. I have heard learned counsel for the parties and perused the material placed on record.

7. Admittedly, the petitioner is a man of criminal antecedents as he is involved in 04 other criminal cases and had absconded in the case in hand as a result of which he was declared a proclaimed offender. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of bail to the petitioner. Moreover, after the dismissal of the previous petition as recently as on 17.01.2023, the learned counsel for the petitioner has not been able to show any material change in circumstances which would entitle him to the concession of bail.

8. Dismissed.

9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

17.05.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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