

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-42276-2023(O&M)

Date of Decision: 13.10.2023

Rajinder Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Naresh Kumar Ganga, Advocate,
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.291 dated 04.09.1996, under Sections 302, 201 & 34 IPC, registered at Police Station City Dabwali, District Sirsa.

2. Learned counsel for the petitioner submitted that the petitioner is in custody for the last 9 months and the co-accused who faced the trial have already been acquitted by the learned trial Court. He further submitted that the petitioner was nominated on the basis of disclosure statement of one of the co-accused namely, Sarla who was later on discharged. He further submitted that the petitioner is in custody for the last 9 months and therefore, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Ms. Harpreet Kaur, learned AAG, Haryana has submitted that the petitioner does not deserve the concession of the regular bail

in view of the fact that the present FIR is of the year of 1996 and the petitioner was absconding at that point of time and he was declared as proclaimed offender thereafter and he remained absconded for about 25-26 years and thereafter since he was declared as a proclaimed offender, there was another FIR registered against him under Section 174-A IPC and now he has been arrested in the aforesaid FIR No.34, under Section 174-A IPC on 19.01.2023 and on the basis of the production warrant being sought, he has now been arrested in the present case as well. She submitted that the present is a serious offence under Section 302 IPC and the petitioner remained absconder and proclaimed offender for long period of 25-26 years and now all the material witnesses are yet to be examined in the present case since the petitioner is now to face the trial. She further submitted that mere fact that the co-accused have been acquitted would not mean that the petitioner would gain a right to seek bail despite the fact that he has been remained absconder and proclaimed offender for 25-26 years and there is a reasonable apprehension that in case the petitioner is released on bail, then he may again abscond and may even influence the witnesses.

4. I have heard the learned counsels for the parties.

5. It is a case where FIR is under Section 302, 201 and 34 IPC of the year 1996 and thereafter, the petitioner was declared as proclaimed offender and he was absconding for about 25-26 years and he was arrested case under Section 174-A IPC and thereafter in the present case on the basis of production warrant being sought. The aforesaid facts and circumstances would suggest that the petitioner has been remained absconder and proclaimed offender for 25-26 years and as per learned State counsel even the material witnesses have

not been examined. The apprehension expressed by the learned State counsel based upon the previous conduct of the petitioner cannot be taken lightly and does carry weight.

6. In view of the facts and circumstances, this Court does not deem it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is hereby dismissed.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

13.10.2023

(JASGURPREET SINGH PURI)

rakesh

JUDGE

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| 1. Whether speaking/reasoned | Yes/No |
| 2. Whether reportable: | Yes/No |