

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

207-2

CRM-M-44796-2022

Date of decision: 17.01.2023

Rohit @ Lotta

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sandeep Gahlawat, Advocate for the petitioner.

Mr. Rahul Mohan, DAG, Haryana
assisted by SI Satpal.

MANJARI NEHRU KAUL, J. (ORAL)

This is the first petition filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.139 dated 26.03.2018 lodged under Sections 148, 149, 323, 324, 452, 302, 506 and 120-B of the IPC registered at Police Station Farakpur, District Yamuna Nagar.

Learned counsel for the petitioner submits that subsequent to the registration of the FIR in question the petitioner was extended the concession of bail by the Trial Court vide order dated 04.12.2020 (Annexure P-7), however, the same was cancelled vide order dated 13.09.2021 (Annexure P-10) as the petitioner did not appear before the Trial Court. Learned counsel submits that the petitioner has now been in custody since 23.05.2022 and there is no likelihood of the trial concluding in the near future as only 04 out of the 34 prosecution witnesses cited, have been examined so far. He further submits that since an application under Section 319 of the Cr.P.C. was moved and allowed by the Trial Court for summoning of the additional accused to face trial, the trial has commenced denovo as a result of which the trial

shall take considerable time to conclude.

Per contra, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. He submits on instructions that no doubt the petitioner was extended the concession of bail by the Trial Court vide order dated 04.12.2020, however, the petitioner had misused the said concession as he had failed to put in an appearance during trial. Subsequently, proceedings under Section 82 of the Cr.P.C. were initiated and on 03.01.2022, the petitioner was declared a proclaimed offender. It has been submitted that the petitioner is involved in another case bearing FIR No.112 dated 12.07.2021 under Sections 307, 120-B and 34 of the IPC and Section 25 of the Arms Act, 1959 registered at Police Station Raipur Rani, District Panchkula, hence, there is every likelihood that in case he is released on bail he could yet again abscond or even be involved in some other criminal case.

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

In view of the fact that the petitioner absconded after having been released on bail earlier coupled with the fact that he is involved in another criminal case, the petitioner does not deserve the concession of bail. Accordingly, the instant petition is dismissed.

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.

17.01.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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