

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

264

CRR-2139-2022

Date of Decision: 01.02.2023

Hardeep

....Petitioner

Versus

State of Haryana

....Respondent

CORAM:HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Kuldeep Singh Siwach, Advocate
for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

ANOOP CHITKARA, J.

Counsel for the petitioner submits that the petitioner is in custody since 01.03.2022 and he is seeking default bail under Section 167(2) CrPC. He further submits that despite the prolonged custody of 10 months, the trial is not taking place.

Given the prolonged custody, the present petition is disposed of with liberty to the petitioner to file a fresh petition for bail before the trial Court on the ground of prolonged incarceration. It is clarified that in case, fresh petition is filed under Section 439 CrPC, the concerned Court shall not be influenced by any order passed earlier by the trial Court or by this Court. It is further clarified that given the prolonged custody, the trial Court shall not consider the previous criminal history while considering the bail. Liberty is also reserved to approach this Court again in case need arises.

Pending applications, if any, stand disposed of.

**(ANOOP CHITKARA)
JUDGE**

01.02.2023

anju rani

Whether speaking/reasoned
Whether reportable?

Yes/no
Yes/no