

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

CRM-M No.47960 of 2022
Date of decision: 19th January, 2023

Surendar @ Jhanda

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ravi Dangi, Advocate for the petitioner.

Mr. Rahul Mohan, Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

This is second petition of the petitioner filed under Section 439 Cr.P.C. in case bearing FIR No.115 dated 12.05.2016 under Sections 364, 302, 201, 212, 34 IPC and Section 25/54/59 of the Arms Act registered at Police Station Barwala, District Hisar.

Learned counsel for the petitioner inter alia submits that the petitioner has now been in custody since 10.02.2022 and there is no likelihood of the trial concluding in the near future. He further submits that since the material witnesses have been examined, further incarceration of the petitioner would serve no useful purpose.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has apprised the Court that the trial is nearing conclusion as prosecution evidence has been recorded and now the case is fixed for 21.01.2023 for recording statement of the accused under Section 313 Cr.P.C. He has further

submitted that even otherwise, there are serious allegations levelled against the petitioner of having fired from a pistol .315 bore at the deceased in the crime in question. It has still further been submitted that since the petitioner is involved in as many as 23 other criminal cases, he be not extended the concession of bail as there is a likelihood of absconding of the petitioner during pendency of the trial.

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

Prima facie, there are serious and specific allegations levelled against the petitioner of having actively participated in the occurrence in question, in which one person lost his life. The petitioner is a man of criminal antecedents as he is involved in 23 other criminal cases and in addition to that, the trial would not now take much time to conclude as prosecution evidence stands concluded. In the circumstances as enumerated hereinabove, this Court is not inclined to accept the prayer made by the petitioner seeking concession of bail. The petition as such stands dismissed. However, it is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

January 19, 2023
rps

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