

210

2023:PHHC:079016

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

**CRM-M-54617-2022
DECIDED ON: 30th MAY, 2023**

MANOJ**.....PETITIONER****VERSUS****STATE OF HARYANA****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.**

Present: Mr. R.K. Girdhwal, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in FIR No. 504, dated 22.07.2018, under Sections 379-B, 392, 506 IPC & Section 25 of Arms Act, registered at Police Station Sadar Bahadurgarh, District Jhajjar.

2. Learned counsel for the petitioner contends that earlier the petitioner was granted the regular bail by the trial Court vide order dated 28.05.2019 (Annexure P-3) with the following conditions:-

- “1. that the applicant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected; and*
- 2. that the applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to*

the Court or to any police officer or tamper with the evidence;

3. that the applicant shall not leave India without the previous permission of the Court.”

3. However, thereafter, the petitioner remained absent and in fact misused the concession of bail during the period when COVID-19 pandemic was spread all over the country and in that eventuality finally the trial Court vide its order dated 03.02.2020 straightaway summoned the petitioner through warrants of arrest for 06.07.2020. The warrant of arrest of the petitioner received back executed on 26.09.2022 only. Thereafter, the petitioner applied for regular bail before the trial court, which stands dismissed vide order dated 11.11.2022 (Annexure P-2).

4. Learned counsel for the petitioner has asserted that the petitioner is ready and willing to join the proceedings before the trial Court, who has no intention to avoid the process of this Court but due to certain confusion and miscommunication between him and his counsel during the pandemic, he could not appear and as a result of which he became a bail jumper.

5. As per the Custody certificate of the petitioner, he has suffered incarceration for a period of more than one year. He opposes the prayer made in the present petition stating that the petitioner is an habitual offender, who is involved in various cases, out of which he is on bail in one case only. Accordingly, he prays for dismissal of the present petition.

6. Considering the undertaking given by the counsel for the petitioner before this Court as well as the custody period already suffered by the petitioner, apart from examining the gravity of offence i.e. Section 379-B IPC wherein the allegations are collectively against a group of four boys who while using the pistol putting the complainant under threat decamped with Rs.40,000/-, the

petitioner is directed to be released on regular bail on his furnishing surety/personal bonds to the satisfaction of trial Court/Duty Magistrate concerned, in the light of the fact that keeping him behind the bars is of no help wherein, investigation is complete and nothing is to be recovered from his possession and conclusion of trial will take certainly long time.

7 The present petition is, disposed of in the afore-said terms.

30th MAY, 2023
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(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>