

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

243

2023:PHHC:150878

CRM-M-58633-2023

Date of decision: November 28th, 2023

Sheru @ Sher Mohd.

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sarfaraj Anjum Mor, Advocate
for the petitioner.

Mr. Rahul Mohan, Senior Deputy Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

This is a fourth petition filed by the petitioner seeking the concession of regular bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.484 dated 14.09.2019 under Sections 323, 325, 307, 302, 506, 201, 212, 120-B of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959, at Police Station Sadar Tauru, District Nuh.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 24.02.2020 and after the challan was presented on 06.05.2020, the trial has been proceeding at a very slow pace, hence, there is no likelihood of the trial concluding anytime in the near future, for which he deserves to be extended the concession of bail.

3. Learned State counsel has at the outset vehemently opposed the prayer made by the counsel opposite for extending the concession of bail to the petitioner. He has filed the custody certificate of the petitioner in the Court today, which has been taken on record

subject to just exceptions. Learned State counsel has submitted that a perusal of the custody certificate is indicative of the criminal antecedents of the petitioner. It has been submitted that the petitioner has a history of absconding during the proceedings of the other cases registered against him and he also stands convicted under Section 174-A of the IPC. Learned State counsel has further submitted that in case the petitioner is enlarged on bail, there is every likelihood that he could yet again abscond or even be involved in some other case of similar nature. Learned State counsel has submitted that the delay in the conclusion of the trial is also on account of pendency of different criminal cases against the petitioner, for which he is being taken on production warrants to different Courts not only in the State of Haryana but also in the State of Rajasthan. He has thus, opposed the prayer made for extending the concession of bail to the petitioner.

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

5. In the facts and circumstances as enumerated hereinabove and the allegations levelled against the petitioner in the FIR in question (Annexure P-1), no ground is made out to extend the concession of bail to the petitioner. The instant petition, therefore, stands dismissed.

6. 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.

November 28th, 2023

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No