

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

219

CRM-M-19964-2024 (O&M)
Date of Decision:- 16.12.2024

GAURAV DALAL @ KALU

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Baljeet Beniwal, Advocate for the petitioner.
Mr. Surender Singh, A.A.G. Haryana.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
416	24.07.2015	307, 34 IPC; 25 of the Arms Act; (120-B and 212 IPC added later on)	Hodal, District Palwal

2. It is, *inter alia*, contended by learned counsel for the petitioner that after having been arrested in the present FIR (Annexure P-1), the petitioner was granted the concession of bail on 04.07.2016 by the Court of

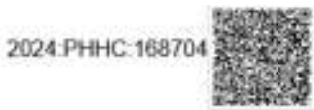


learned Additional Sessions Judge, Palwal and thereafter the petitioner was regularly appearing in the trial Court. However, on account of certain circumstances beyond his control, he absented on 23.02.2017 and was re-arrested on 01.06.2017. Thereafter again, the petitioner was admitted on bail by the learned trial Court on 19.09.2017. He contends that thereafter the petitioner had been regularly appearing in the trial Court, however, on 07.10.2021, he could not appear in the trial Court leading to cancellation of his bail and ultimately being declared as proclaimed offender vide order dated 17.12.2022. He submits that the petitioner was again arrested on 31.12.2023 and since then he is in judicial custody. He further submits that the trial against the petitioner is already going on and the petitioner is in custody only on account of being declared as proclaimed offender, although, he was admitted on bail on the merits of the case. Thus prays for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel has not disputed the factual matrix and admitted that the petitioner is in custody since 31.12.2023 on account of being declared as proclaimed offender. He has supplied the custody certificate of the petitioner, which is taken on record.

4. Heard learned counsel for the parties and perused the record.

5. Considering the circumstances and the fact that the petitioner was granted the concession of bail on the merits of the case and now he is in judicial custody only on account of him being declared proclaimed offender. Presently, he is in custody since 31.12.2023 and the challan has already been presented in Court, where the petitioner is facing the trial. The criminal



liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

6. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

8. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

16.12.2024
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No