



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

CRM-M-31475-2023

Date of Decision:-23.05.2024

Vikas.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Amit Chaudhary, Advocate with
Mr. Hritik Gupta, Advocate for the Petitioner.

Mr. Kanwar Sanjiv Kumar, Assistant Advocate General,
Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.07 dated 09.01.2018 under Sections 323, 325, 365, 506, 367, 341, 34 IPC registered at Police Station Bhattu Kalan, District Fatehabad.

2. The Counsel for the petitioner contends that the FIR in the present case was registered on 09.01.2018. The petitioner was granted bail on 22.06.2018. However, he absconded on 05.10.2021. He was arrested in FIR No.233 dated 26.11.2021 under Sections 25/54/59 of Arms Act and brought on production warrants in the present case on 12.04.2023. As he was in custody since the last more than 02 years but only 07 of the 15 Pws had been examined so far he was entitled to the concession of bail even



though he was a habitual offender.

3. The learned State counsel on the other hand contends that the conduct of the petitioner in absconding for 05 months did not entitle him to the concession of bail, more so when he was a habitual offender with multiple cases registered against him. He however concedes that petitioner was in custody since 12.04.2023 and that only 07 of the 15 Pws had been examined so far.

6. I have heard the learned counsel for the parties.

7. Admittedly, the petitioner was granted bail on 26.02.2018. He continued to appear for more than 02 years but absconded only on 05.10.2021. He was thereafter arrested in another case and brought on production warrants in the instant case on 12.04.2023 after which he continues to be in custody. Only 07 of the 15 Pws have been examined so far. As the petitioner was granted bail at an earlier stage, he is again entitled to the same concession once again even though he is a habitual offender as he has undergone sufficient custody post his re-arrest.

9. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Vikas** son of Sh. Balraj is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

10. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

11. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited in accordance with



law in case of the absence of the petitioner from the Trial without sufficient cause.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 23, 2024
Vinay

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