



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-37428-2024

Date of Decision: 19.11.2024

Rajvinder Singh @ Raju

...Petitioner

V/s

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Arshpreet Khadial, Advocate, for the petitioner
(Through hybrid mode).

Mr. Rajiv Sidhu, DAG, Haryana.

VIKRAM AGGARWAL, J (ORAL)

1. The present petition preferred under Section 439 of the Code of Criminal Procedure (for short 'Cr.P.C.') is for the grant of regular bail to the petitioner in case FIR No.28 dated 12.02.2018 registered under Sections 147, 148, 149 285, 323, 324, 325, 326, 341, 506 IPC and Section 25 of the Arms Act, 1959, at Police Station Kalanwali, District Sirsa.

2. The FIR in question has been registered on the complaint of Kuldeep Singh. The allegation was that on 12.02.2018, one Gosha along with Harmandeep, Jagga, Kuldeep, Babbu, Major Singh, Kala, Nikka, Baljinder and 20-25 other boys, all of whom were armed with rods, pistol (Nikka), sword (Baljinder) attacked the complainant as a result of which the complainant suffered injuries. Accused Nikka is alleged to have fired shots in the air with his pistol. The petitioner was initially arrested on 06.04.2018 and was released on regular bail on 24.05.2018 (Annexure P-2). However, for, he



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absented from the trial on 02.02.2023, he was declared a proclaimed offender on 04.05.2023 and was re-arrested on 10.07.2023.

3. I have heard learned counsel for the parties.

4. Learned counsel for the petitioner submits that the petitioner, after his re-arrest is in custody since 10.07.2023. He submits that the petitioner was under depression as a result of which he could not put in appearance before the trial Court. He submits that in any case, after having been released on bail after a period of 1½ month initially, the petitioner has suffered incarceration of almost 1½ year after having been re-arrested. He further submits that out of a total of 35 witnesses, only 2 witnesses have been examined and, therefore, there are practically no chances of the trial being concluded in the near future. Learned counsel, therefore, prays that the petitioner be released on bail.

5. Custody certificate indicating that the petitioner has undergone custody of 1 year, 5 months and 29 days, as also the status report by way of affidavit of the Deputy Superintendent of Police, Kalanwali, District Sirsa has been filed in the Court today and the same are taken on record.

6. Learned State counsel submits that if the petitioner is released on bail, he may try to influence and threaten the witnesses and may also abscond. He further submits that the petitioner is involved in five other cases out of which, in two cases he has been acquitted, he has been convicted in one case and is an under-trial in two more.

7. Having considered the submissions made by learned counsel for the parties, this Court is of the considered opinion that the petitioner deserves to be released on bail.



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8. Admittedly, initially also he had been released on bail on 24.05.2018 after having been arrested on 06.04.2018. No doubt, he absented himself on 02.02.2023 and was declared a proclaimed offender on 04.05.2023. However, he was re-arrested shortly thereafter i.e. 10.07.2023 and has been in custody since then. In the considered opinion of this Court, no useful purpose would be served by keeping the petitioner in custody any more.

9. In view of the aforementioned facts and circumstances, without expressing any opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(VIKRAM AGGARWAL)
JUDGE

November 19, 2024

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No