



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

CRA-S-2776-2023(O&M)
Date of Decision : **12.08.2024**

ROHIT

.....Appellant

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Rohit Mittal, Advocate,
for the Appellant.

Mr. Rajesh Gaur, Addl.A.G., Haryana.

None for the complainant.

KULDEEP TIWARI, J.(Oral)

1. Through the instant appeal, challenge is thrown to the order dated 08.08.2023, passed by the learned Additional Sessions Judge, Narnaul, vide which the application for grant of regular bail of the appellant in case FIR No.260, dated 16.12.2021, under Section 147, 149, 323, 325, 307, 506, 379-B, 201, 120-B of the IPC, and under Section 3 of the Scheduled Caste and Scheduled Tribes Act, was dismissed.

2. The instant FIR was registered at the instance of one Anil alias Dhania son of Rajbir, and the petitioner was arrested on dated 20.03.2022. He was subsequently, granted the relief of regular bail by the the learned trial court concerned, vide order dated 19.04.2022 (Annexure A-2). Thereafter, the appellant was regularly appearing before the learned trial court concerned, however, he did not join the proceedings on

22.07.2022, which led the learned trial court concerned, to cancel his bail and his bail bonds was ordered to be forfeited to the State, vide Annexure A-4. Finally, the appellant was declared a proclaimed offender vide order dated 06.05.2023, by the learned trial court concerned, and thereupon FIR under Section 174-A IPC, was registered against present appellant.

3. Upon the appellant being re-arrested on 19.05.2023, filed another regular bail application before the learned trial court concerned, which was dismissed vide impugned order dated 08.08.2023.

4. Having aggrieved with the aforesaid impugned order, the instant appeal, has been preferred by the appellant.

5. A co-ordinate bench of this Court, vide order dated 15.05.2024, granted the interim bail to the present appellant, and in pursuance thereof, he was released from the custody.

6. This Court vide order dated 05.08.2024, directed the appellant to surrender before the learned trial court/CJM/Duty Magistrate concerned, and in pursuance thereof, the appellant surrendered, and today, the case is fixed for consideration over the appeal.

7. Despite notice issued to respondent no.2/complainant, no one has caused appearance on his behalf.

8. Learned counsel for the petitioner in asking for the relief (*supra*), submits that the appellant did not violate any terms and condition of the interim bail granted to him. He further submits that the petitioner has also re-surrendered in pursuance to the directions issued by this Court

on 05.08.2024, and he has no intention whatsoever, to avoid causing appearance before the learned trial court concerned.

9. Learned State counsel has affirmed that the appellant in deference to the direction issued by this Court, on 05.08.2024, has re-surrendered, and he has also produced a photocopy of the *zimni* order dated 09.08.2024.

10. He further, on instructions imparted to him by the police official concerned, submits that the out of the total 20 prosecution witnesses cited by the prosecution, only one has been examined by the learned trial court concerned till date.

11. Considering the fact that the the appellant has suffered sufficient incarceration after his arrest on 19.05.2023, and the conclusion of trial would take a long time, as out of the total 20 prosecution witnesses only one has been examined till date, this court is of the view that further incarceration of the appellant is not warranted.

12. In view of the above factual aspect, the instant appeal deserves to be **allowed**, the impugned order dated 08.08.2023 is hereby ordered to be set aside.

13. The appellant is ordered to be released on regular bail, on furnishing of fresh bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate, if not required, in any other criminal case.

14. However, it is clarified that if in future, the appellant is found indulging in commission of similar offences, as is involved herein,

the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court.

15. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present appeal only.

August 12, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No