

2024.PHHC.146885



294.

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

CRA-S-3281-2024

Date of decision: 11.11.2024

Manish alias Baba

.... Appellant

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Harender S. Rana, Advocate for
Mr. Shailener Singh Momi, Advocate, for the appellant.

Mr. Rajiv Sidhu, DAG, Haryana with SI Balbir Singh.

GURBIR SINGH, J.

1. The present appeal has been filed against the judgment dated 18.05.2024 passed by learned Additional Sessions Judge, Charkhi Dadri whereby second regular bail application of the appellant filed in case FIR No.102, dated 18.04.2022, under Sections 148, 149, 323, 341, 506 of IPC and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Section 34 of IPC added lateron and Sections 148, 149 of IPC deleted lateron), registered at Police Station Dadri City, District Charkhi Dadri, has been dismissed.

2. As per office report, despite having served, no one has put in appearance on behalf of respondent No.2-complainant.

3. Learned counsel appearing on behalf of the appellant has argued that the appellant has been named in the present FIR on the basis of disclosure statement of co-accused Aman. Appellant was granted bail vide order dated 04.08.2022 and challan was presented against three accused including the appellant and all other accused named in the FIR were exonerated by the police. However, on 25.05.2023, the appellant could not appear before the Court and his bail was cancelled. Proclamation was issued against him. He was arrested in some other case. He was produced before the Court through production warrants on 16.01.2024 and is in custody since then in this case.

3.1 Learned counsel for the appellant submits that the absence of the appellant before the trial Court was unintentional. Completion of trial will take long time. Appellant is being involved in one and the other case.

4. Learned State counsel has opposed the bail to the appellant by contending that the appellant is habitual offender. He is involved in 13 other cases. He is facing trial in 10 cases and acquitted in three cases.

5. I have heard the submissions of learned counsel for the parties.

6. Considering the fact that it is on the basis of disclosure statement, appellant has been nominated in the present case; earlier he was granted bail, but lateron, he absented from the Court and is in custody since 16.01.2024; completion of trial will take long time to conclude; pendency of other cases is no ground to decline bail, this Court deems it appropriate to release the petitioner on regular bail.

7. Accordingly, without commenting on the merits of the case, the order dated 18.05.2024 passed by learned trial Court is set aside and the appellant is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of concerned learned trial Court, with the further condition that he shall get his mobile number registered in the trial Court for receiving messages on CIS system and shall not change his mobile number during the pendency of the case. He shall also furnish his residential address to the trial Court as well as to the concerned police station and shall not change his residence without intimation to the concerned court. The court concerned may impose any other condition as it deems fit. In case of default, the trial Court is free to cancel the bail granted to the appellant.

8. The appeal is allowed on the above terms.

9. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case on the basis of material available before it.

(GURBIR SINGH)
JUDGE

November 11, 2024
sanjeev

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No