

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

233

2024:PHHC:017131

CRM-M-60120-2023

Date of decision: February 07, 2024

NAVEEN

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Deepancshu Matya, Advocate
for the petitioner.

Ms. Trishanjali Sharma, Deputy Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 439 Cr.P.C. is for grant of regular bail in case FIR No.253 dated 10.06.2019 under Section 379A and 34 of the Indian Penal Code, 1860 (Annexure P-1), registered at Police Station Bilaspur, District Gurugram.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been in custody since 31.08.2023 for allegedly having snatched mobile handset along with Rs.2,400/- from the person of the complainant while the latter was riding his motorcycle. Learned counsel submits that the FIR in question was registered against unknown persons and a perusal of the FIR reveals that no description, much less any of the features of the alleged assailants was given in the FIR, nor was any Test Identification Parade (TIP) carried out following the arrest of the petitioner. Learned counsel submits that since the material witnesses including the complainant already stand examined, further incarceration of the petitioner would serve no useful purpose as 5 prosecution witnesses still remain to be examined.

3. *Per contra*, learned State counsel, while opposing the prayer and submissions made by learned counsel for the petitioner, has submitted that the petitioner was extended the concession of bail by the learned trial Court after the registration of the FIR in question, however, he had absented himself on numerous dates, as a result of which, his bail bonds were cancelled and surety bonds forfeited to the State. Learned State counsel thus submits that there is every likelihood that in case the petitioner is enlarged on bail, he could yet again abscond and thus delay the proceedings further. It has also been submitted that after the registration of the FIR in question and after he had been enlarged on bail by the learned trial Court, the petitioner had been involved in another case under Section 307, 342, 365, 506 and 34 of the IPC. Learned State counsel further submits that the next date fixed before the learned trial Court is 05.03.2024, when the remaining prosecution witnesses are likely to be examined and hence, there is every possibility that the trial could take much time to conclude.

4. I have heard learned counsel for the parties and perused the relevant material placed on record.

5. In the facts and circumstances as enumerated hereinabove, the delay in conclusion of the trial has been on account of the absence/conduct of the petitioner himself. Therefore, this Court would not be inclined to enlarge the petitioner on bail; moreso since he was involved in another crime under Section 307 of the IPC, during the time that he absconded during the trial in the instant case.

6. The petition stands dismissed.
7. However, it is made clear that anything observed hereinabove shall
not be construed to be an expression of opinion on the merits of the case.

February 07, 2024
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No