

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

CRM-M-62359-2023
Decided on:-23.01.2024

Amrik SinghPetitioner..

vs.

State of HaryanaRespondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Puja Chopra, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail pending trial, in case bearing FIR No.42, dated 04.02.2019, registered under Sections 148, 149, 323, 325, 307, 201, 506 IPC, and Section 25 of the Arms Act, 1959 and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, at Police Station Cheeka, District Kaithal.
2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case as he has not been named in the FIR. No specific role or injury has been attributed to the petitioner.
3. On the other hand, prayer made herein has been opposed at the instance of learned State counsel while submitting that the petitioner misused the concession of bail already granted in favour of the petitioner by having jumped the same and thus, he does not deserve the fresh concession

of bail.

4. I have heard learned counsel for the parties and gone through the paper book and find substance in the submissions made on behalf of the petitioner.

5. In the present case, the petitioner was originally granted the concession of bail on 16.01.2020 and has been regularly appearing before the Trial Court, but for 02.03.2023 when on account of pendency of few other cases, the petitioner could not appear before the Trial Court, he was arrested and produced on 04.09.2023. The petitioner has already suffered incarceration for a period of 4½ months after his fresh arrest and the trial is likely to take some time as out of 39 witnesses, not even a single witness has been examined. Moreover, on 02.03.2023 when the petitioner chose not to present himself before the jurisdiction of trial Court, nothing material was to happen as the case was fixed merely for the appearance of the petitioner.

Thus, considering the aforesaid facts and circumstances, I do not find any reason to extend the incarceration of the petitioner any further.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

7. It is made clear that this order may not be construed as expression of an opinion on the merits of the case.

23.01.2024
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(HARKESH MANUJA)
JUDGE

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