



252

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M- 31385-2024
Date of decision:-22.01.2025

RAM MEHAR @ MEHAR SINGH
Versus
STATE OF HARYANA
... Petitioner
... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Sandeep Kotla, Advocate,
for Mr. L.S. Sekhon, Advocate, for the petitioner.
Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed custody certificate dated 21.01.2025, the same is taken on record, copy thereof has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure, for grant of regular bail in the following case:-

FIR No.	Dated	Sections	Police Station
232	06.07.2018	15, 20 and 29 of NDPS Act	Matlauda District Panipat

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case and after his arrest he was granted concession of bail vide order dated 03.12.2020



passed in CRM-M-54516-2019 (Annexure P-3). Thereafter he had been regularly appearing in trial Court, however due to certain unavoidable circumstances he had absented from the proceedings and was declared proclaimed offender in the case on 20.11.2023. He submits that petitioner had himself surrendered on 06.01.2024 and is facing trial, since then he is in custody only on account of his absence from trial, although he was granted concession of regular bail by this Court on 03.12.2020 (Annexure P-3). Hence he prays for grant of regular bail to the petitioner.

5. *On the other hand*, learned State counsel has not disputed the factual matrix of the case, however prayed for dismissal of the petition, considering the fact that petitioner has misused the concession of bail.

6. After considering the rival contentions and perusing the record, it is observed that presently the petitioner is in custody since 06.01.2024 only on account of his absence from the trial, although he was granted concession of bail by this Court vide order dated 03.12.2020 passed in CRM-M-54516-2019 (Annexure P-3). The petitioner is in custody since 06.01.2024, and the conclusion of trial to ascertain criminal liability, if any, of the petitioner in the present case will take sufficient long time.

7. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the



country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

22.01.2025
Gyan

- | | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |