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

CRM-M-34056-2025

Date of Decision:21.08.2025

Manoj

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Abhinav Sood, Advocate
for the petitioner.

Mr. Rajiv Sidhu, Sr. DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.47 dated 12.02.2019 registered under Section 379-A of IPC, 1860, at Police Station Sarai Khwaja, District Faridabad.

2. Learned counsel for the petitioner contends that the petitioner was initially arrested on 15.02.2019 and was granted the concession of bail by the trial Court vide order dated 18.03.2019. He further submits that due to some family problem, he could not appear before the trial Court on 26.05.2022 and ultimately, he was declared as proclaimed offender on 14.09.2023. He next contends that the petitioner was again arrested in the present case on 13.01.2025 and is in custody since then. He further contends that now the petitioner is in custody for the last more than 07 months and no useful purpose will be served by keeping him behind bars.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is a habitual offender and is involved in three more criminal cases. He further contends that the petitioner may again abscond and flee from the process of law and the petition deserves to be dismissed by this Court.

4. I have heard the learned counsel for the parties and perused the record.

5. In the present case, undoubtedly, the petitioner was on bail since 18.03.2019 and he continuously appeared before the trial Court for almost three years. However, he stopped appearing before the trial Court and was ultimately declared as proclaimed offender on 14.09.2023. Now the petitioner has been re-arrested on 30.01.2025 and is in custody for the last more than 07 months. Even there is no material to indicate that the petitioner may tamper with the prosecution evidence in the present case.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

21.08.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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