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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-13620-2020

Date of decision:-3.6.2020

Sant Lal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Amit Choudhary, Advocate
for the petitioner.

Mr.Vikrant Pamboo, DAG, Haryana.

**** सत्यमेव जयते ****

H.S. MADAAN, J.

Case taken up through video conferencing.

Petitioner – Sant Lal, an accused in FIR No.45 dated 18.1.2011, under Section 396 IPC and 25 of Arms Act, registered at Police Station Ratia, District Fatehabad has filed a second petition for grant of regular bail to him.

Notice of the petition is given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going

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through the record.

The petitioner had approached this Court earlier craving for grant of similar relief but his such petition bearing CRM-M-51482-2019 was dismissed vide a detailed and well reasoned order dated 5.2.2020. The concluding part of which is being reproduced as under:

“Not only the allegations against the petitioner/accused Sant Lal are grave and serious but he has been on run and was declared a proclaimed offender vide order dated 7.3.2019. He was arrested on 23.7.2019. The trial against him is at a very advance stage of final arguments as stated by the State counsel. Therefore, no reason is there to grant regular bail to the petitioner keeping in view the gravity of the allegations against him as well as his past conduct of absconding and having been declared a proclaimed offender. The petitioner has got a long criminal record since as per list supplied by learned counsel for the complainant, he is shown to be involved in 10 other criminal cases, which include cases under various provisions of IPC including that of murder and under provisions of NDPS Act etc. In several cases, he is shown to have been acquitted, though convicted in few cases but the very fact that he was booked in 10 criminal cases clearly speaks about his criminal tendencies. The apprehension expressed by the State counsel that if petitioner is granted bail, there is every likelihood to his absconding and even tampering with the prosecution evidence cannot be brushed aside lightly.”

There has not been any change in circumstances since

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dismissal of the first petition for regular bail by this Court. The only reason given is in para No.8 of the petition to the effect that the trial is not proceeding due to pandemic Covid-19 and FIR is of 2011 and therefore, no purpose will be served to keep the petitioner behind bars. This reason is least convincing and does not make out a case for petitioner to approach this Court again seeking regular bail. Pandemic Corona has effected almost the entire world including India. Curfew and lock-down have been imposed throughout the country for several months. The functioning of the Courts has also been effected in the process. The prosecution cannot be blamed for non-examination of prosecution witnesses during the trial. The petitioner can certainly not take advantage of this fact and start asking for bail for the said reason.

Therefore, finding no merit in the petition, the same stands dismissed.

3.6.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No