

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-3177-2015

Date of decision : 13.02.2015

Pardeep

... Petitioner

Versus

State of Haryana

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.Pankaj Middha, Advocate
for the petitioner.

Mr.Rajesh Gaur, Addl. A. G.Haryana.

REKHA MITTAL, J.

The petitioner prays for grant of regular bail during pendency of trial pertaining to FIR No.22 dated 28.01.2013 registered in Police Station City Narwana, District Jind for offence punishable under Sections 302, 324, 452, 326, 307, 34, 148, 149 of the Indian Penal Code and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Counsel for the petitioner contends that the petitioner was allowed regular bail by the Additional Sessions Judge, Jind vide order dated 06.03.2014. During pendency of trial, he could not appear before the trial Court on 23.12.2014 due to illness and application filed by him for seeking exemption from personal appearance was rejected by the trial Court. Proceedings under Section 446 Cr.P.C. were initiated and the penalty imposed by the Court has been paid. The petitioner himself surrendered before the trial Court on 06.01.2015 and since then he is in custody. It is

prayed that as trial of the case is likely to take its own time, the petitioner may be released on bail who has otherwise sufficiently suffered for his lapse of non-appearance on one date i.e. 23.12.2014. The co-accused in this case namely Parminder became absent from the proceedings on 06.08.2014 and surrendered in November 2014 but he has been released on bail by the same Presiding Officer on 08.12.2014.

Counsel for the State has not disputed factual assertions.

The petitioner did not appear before the trial Court on 23.12.2014 but his counsel filed an application seeking exemption from personal appearance which was not allowed. He is in custody since 06.01.2015 and his application for grant of bail was declined by the trial Court. Keeping in view the fact that the petitioner has already suffered to an extent for his lapse, without meaning to express any opinion on merits of the controversy, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds to satisfaction of the trial Court, subject to the following conditions:-

- (i) he 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/her from disclosing such facts to the Court or to any police officer; and
- (ii) he shall not leave India without the previous permission of the Court.

(REKHA MITTAL)
JUDGE

February 13, 2015.

DK