

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32930-2015

Date of Decision: October 5, 2015

Sunil @ Basanta

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Aditya Jain, Advocate,
for the petitioner.

Mr. Pawan Gaur, DAG, Haryana,
for the respondent.

1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J (Oral)

Prayer in this petition, filed under Section 439, Cr.P.C.,
is for grant of bail to the petitioner, Sunil @ Basanta, son of Bir
Singh, resident of village Badrola, Police Station, Tigaon, District
Faridabad, who has been booked for having committed the
offences punishable under Sections 285, 307, 323 and 506 read
with Section 34, IPC, and Section 25 of the Arms Act, in a case
arising out of FIR No. 114, dated 10.10.2014, registered at Police
Station, Saran Tigaon, District Faridabad.

Learned counsel contends that after initial arrest of the petitioner, he was granted bail by this Court vide order dated 18.2.2015 and he continued to appear before learned Trial Court. Due to his ill health, the petitioner could not appear before learned Trial Court on 21.8.2015 and the application presented for exemption from personal appearance was dismissed on the premise that no medical certificate was attached with the said application. He further points out that on 4.9.2015, the date fixed before learned Trial Court, the petitioner moved bail application along with a certificate issued by the Physician that on 21.8.2015, the petitioner was suffering from fever and four days bed rest was advised. However, the said bail application was declined vide order dated 4.9.2015. Learned counsel further contends that for his non-appearance on one day only, the petitioner has already suffered incarceration for more than a month. He further submits that in future the petitioner shall not remain absent on any date of hearing before learned Trial Court.

Learned counsel for the State has not controverted the factual aspects narrated by learned counsel for the petitioner.

In view of totality of the facts and circumstances of the

case, the present petition is allowed. The petitioner, Sunil @ Basanta, son of Bir Singh, resident of village Badrola, Police Station, Tigaon, District Faridabad, is directed to be released on bail during pendency of the trial of the present case subject to his furnishing bonds in the sum of ₹1,00,000/- (Rupees one lac only) with one surety in the like amount, to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Faridabad.

(NARESH KUMAR SANGHI)
JUDGE

October 5, 2015
Pkapoor